

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-7495-CIV-DIMITROULEAS

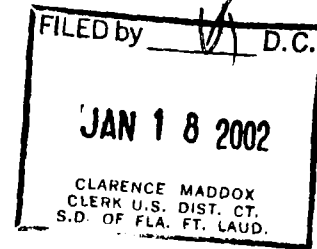
MARCEL FASHION GROUP, INC.,
a Florida corporation,

Plaintiff,

v.

LUCKY BRAND DUNGAREES, INC.
A Delaware corporation, and
FEDERATED DEPARTMENT STORES, INC.,
A Delaware corporation,

Defendants.



**MOTION FOR PRELIMINARY INJUNCTION AND INCORPORATED
MEMORANDUM OF LAW¹**

COMES NOW, Plaintiff, Marcel Fashion Group, Inc. ("Marcel"), by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 65 and 15 U.S.C. §1116, submits this Motion and supporting Memorandum of Law for entry of an Order enjoining Defendants, Lucky Brand Dungarees, Inc. and Federated Department Stores, Inc. (collectively "Defendants") from (i) using Marcel's trademark "GET LUCKY" in connection with the sale of clothing and apparel; (ii) from using, attempting to use, promoting, advertising, marketing, or selling, or offering for sale any clothing or apparel by using the "GET LUCKY" mark, or any similar variations thereof and from representing or in any way creating the impression that the goods Defendants offer are affiliated, sponsored, connected, approved, by or with Marcel or the

¹In support of this Motion, Plaintiff has simultaneously filed a Notice of Filing the Affidavits of Ezra Mizrachi, and Jackie Goldberg.

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goods Marcel offers under the "GET LUCKY" mark; (iii) from placing any further advertisements in any magazine, or publication, from using the designation "GET LUCKY" on the Internet, from using the "GET LUCKY" designation on bench advertisements, and from otherwise promoting the mark "LUCKY BRAND JEANS" by using in commerce Marcel's trademark "GET LUCKY"; (iv) ordering the removal by Defendants of any and all advertisements containing the trademark 'GET LUCKY" from commerce, including the removal of any bench advertisements, and from their websites; and, (v) for an accounting of Defendants' profits resulting from their use of Marcel's "GET LUCKY" trademark.

MEMORANDUM OF LAW

1. PRELIMINARY STATEMENT.

1. Marcel filed the instant action seeking relief for trademark infringement, reverse confusion, false designation of origin, false description or representation, and related unfair competition. Marcel also asserts claims under the common law for trademark infringement, and unfair competition, including permanent injunctive relief to protect its proprietary interests and its trademark rights, for monetary damages and for injury to business reputation under Florida Statute §495.151 (1999).

2. The Complaint and this Motion and Memorandum of Law in support of equitable relief sets forth the grounds for the immediate entry of a Preliminary Injunction.

A. MARCEL IS THE OWNER OF THE "GET LUCKY" TRADEMARK

3. As set forth in more detail in the Complaint, Defendants are advertising their goods under the "GET LUCKY" mark, which is lawfully owned by Marcel. Defendants have so saturated the market with its advertising that Marcel's exclusive right to use of its "GET LUCKY" trademark has been seriously compromised.

4. Defendants use of the "GET LUCKY" trademark is likely to cause confusion with Marcel's use of its "GET LUCKY" trademark.

5. Defendants have continuously, with a dedication of substantial resources, represented to the consuming public that it is the owner of the "GET LUCKY" mark.

6. Defendants are the junior users of the "GET LUCKY" mark, and with knowledge of this, have taken measures to prevent Marcel from continued use of its very mark.

7. Marcel is a maker of clothing, namely, mens and women's jeans and t-shirts; baby clothes, namely t-shirts, short sets comprised of tops and shorts, pant sets comprised of tops and pants, and rompers.

8. Marcel has, since at least as early as 1985 and long prior to the acts of Defendants complained of herein, adopted and used in commerce the inherently distinctive designation and trademark "GET LUCKY" ("the mark or trademark") on its goods since at least as early as 1985 and is the owner of the trademark under statutory and common law rights, due to the sales of Marcel's goods under the "GET LUCKY" trademark, which constitutes use in interstate commerce.

9. Such use has been continuous since at least as early as 1985 and Marcel's use has been nationwide, including virtually every one of the United States of America.

10. Marcel was the owner of U.S., Trademark registration No. 1,377,345 from March 15, 1985 until November 4, 1992. Marcel's registration was cancelled for failing to file a Section 8 affidavit. In or around April, 1998, Marcel filed a trademark application with the United States Trademark Office, seeking registration of the "GET LUCKY" mark which it had used since at least as early as 1985 on its goods.

11. Marcel's application was assigned Serial Number 75/466,537, and was published for opposition in the Official Gazette on January 25, 2000.

12. Defendant Lucky Brand filed a Notice of Opposition in the United States Patent and Trademark Office, which is the subject of Opposition No. 118,603. (Exhibit A).

13. Marcel is the senior user by virtue of its prior use of the mark "GET LUCKY," since Marcel has continuously used the mark since at least as early as 1985, which pre-dates Defendants' first use. Defendants have admitted that they could not possible have used the "GET LUCKY" mark prior to 1991 because that was when the Defendant Lucky Brand Dungarees. Inc. was formed. (Exhibit C, pg. 2, note1).

14. Since long prior to the acts of Defendants complained of herein, Marcel has achieved wide-spread and substantial sales of its goods designated by the trademark "GET LUCKY" in commerce.

15. By virtue of long and continuous use, and since long prior to the acts of Defendants complained of herein, the mark has developed a secondary meaning and significance, and have been readily recognizable by the public and the trade as a designation associated with Marcel.

16. The trademark, since long prior to the acts of Defendants complained of herein, has been associated in the public mind exclusively with Marcel and its goods. The mark had come to identify Marcel's goods, and furthermore, to distinguish said goods from those of others.

B. DEFENDANTS ACTIVITIES

17. Defendants operate various retail stores throughout the United States, including the Southern District of Florida, and also sell clothing and apparel through many other retailers, including Bloomingdale's and other Federated Department Stores.

18. Defendant Lucky Brand has admitted to using the designation "GET LUCKY," and has admitted that its designation "GET LUCKY" is identical to Marcel's "GET LUCKY" designation, at least as to visual appearance, sound, commercial impression, and connotation, on identical or closely related goods. (Exhibit A, at 5).

19. Defendants have placed advertisements using the designation "GET LUCKY" in various medium, including print, magazine, and bench ads, and as a result, have sold goods by utilizing the "GET LUCKY" trademark or designation. Such use of Marcel's mark by Defendants has been widespread and has achieved national exposure through various national publications, bench ads, and other means of promotion and marketing. Defendant Lucky Brand has so saturated the market with the "GET LUCKY" mark that most search engines on the Internet is inundated with references to Lucky Brand and their retailers, despite the fact that it is Marcel who owns the goodwill in the "GET LUCKY" trademark. An Internet search using the mere combination of the words "GET LUCKY and jeans" will draw dozens of websites which feature Defendant Lucky Brand's products. (Composite Exhibit D).

20. Defendant Lucky Brand has admitted that a likelihood of confusion exists as a result of the parties' respective uses of the "GET LUCKY" designation, as stated in Defendant Lucky Brand's Notice of Opposition, and by virtue of a cease and desist letter sent to Marcel by counsel for Defendant Lucky Brand. (Exhibits A at 9, and B).

21. Long subsequent to Marcel's adoption and use of the marks in commerce, Defendants have used Marcel's mark in the advertisement and sale of identical and closely related goods such that Defendants' use is likely to cause consumer confusion.

22. Marcel has never permitted nor licensed Defendants' use of Marcel's trademark. (Mizrachi Aff. at 14).

23. Marcel is not affiliated, connected, or associated with Defendants, nor has Marcel originated, sponsored, or approved of Defendants' use of the marks. (Mizrachi Aff. at 15).

24. Defendants have misappropriated the goodwill associated with Marcel's mark for their own use.

25. Defendants' use of the marks on identical or closely related products and services is likely to cause confusion and a false association between Marcel's products and services, and the products and services offered by Defendants, falsely leading consumers to believe that they emanate from the same source.

26. Defendants' use in commerce of the trademarks is designed and calculated and is likely to cause confusion, to cause mistake, and to deceive customers and prospective customers as to the origin or sponsorship of Defendants' products and services, and to cause them to mistakenly believe that Defendants' products are the products of Marcel or are sponsored,

licensed, authorized, or approved by Marcel, all to the detriment of Marcel, the trade, and the public.

27. Reversely, and in the alternative, Defendants' use of the trademark in its vast and extensive advertising under the "GET LUCKY" trademark has so saturated the market, resulting in a likelihood of confusion, mistake, and the deception of customers and prospective customers as to the origin or sponsorship of Marcel's products and goods, and to cause them to mistakenly believe that Marcel's products and goods are those of Defendants or are sponsored, licensed, authorized, or approved by Defendants, all to the detriment of Marcel, the trade, and the public.

28. Defendants' aforesaid acts have harmed Marcel's reputation, severely damaged Marcel's goodwill, and upon information and belief, have diverted sales from Marcel, and have resulted in diminished sales.

29. Defendants' aforesaid acts have caused and will cause great and irreparable injury to Marcel, and unless said acts are restrained by this Court, they will be continued and Marcel will continue to suffer great and irreparable injury.

30. Counsel for Defendant Lucky Brand has exhibited a pattern of harassing Marcel by threatening legal action, through a cease and desist letter, telephone calls, and the filing of an opposition proceeding in the United States Patent and Trademark Office. Counsel for Defendants have also admitted a likelihood of confusion in a letter demanding that Marcel cease and desist its use of its very mark, "GET LUCKY." (Exhibit B)

31. Marcel has no adequate remedy at law, in that Defendants' continued saturation of the marketplace with its advertising is further eroding Marcel's good will, and causing the public to associate the mark with Defendants.

32. The threat of irreparable injury to Marcel is not only imminent, but actual and ongoing.

33. Any delay in granting the Preliminary Injunction requested by this Motion will result in continued irreparable harm to Marcel and the unsuspecting public who are likely to be confused by Defendants' use of the "GET LUCKY" mark.

34. The requested Preliminary Injunction is fully warranted to preserve the status quo and to avoid further and irreparable injury to the interests sought to be protected in this action.

35. Marcel has a substantial likelihood of prevailing on the merits.

36. Although Marcel will suffer a significant and irreparable harm if the acts of Defendants are not enjoined, by comparison, Defendants will suffer minimal, if any harm at all, should a Preliminary Injunction be entered against them as Defendants merely have to cease committing unlawful acts and from further confusing the consuming public through the use of Marcel's "GET LUCKY" trademark. Defendants will not be enjoined from selling their Lucky Brand Dungarees.

37. Consideration of the public interest militates in favor of restraining the unlawful acts of the Defendants. Otherwise Defendants will continue their unlawful activities and the consuming public will be deceived as to the true origin of the products and services offered by Defendants, specific examples of which have already occurred.

38. Defendants have been made aware of the potential irreparable harm to Marcel and of Marcel's concerns which now form the basis of this action. There has been no resolution of those concerns, and the threat and fact of irreparable harm to Marcel has continued. Defendant

Lucky Brand has admitted that such use will result in irreparable harm. (Exhibits A at 9&10, and B). Despite such admissions, Defendants continue to wilfully infringe Marcel's mark.

39. Defendants' refusal to acknowledge Marcel's concerns or to discontinue their unlawful acts has created justifiable fear that they will continue and/or increase their unlawful acts that would result in further irreparable injury to Marcel and to further erode Marcel's good will.

40. Marcel also seeks an order granting expedited discovery under Federal Rule of Civil Procedure 34, authorizing the immediate inspection of Defendants' books of account, advertising expenditures, advertising sources, and sales outlets.

2. ARGUMENT.

This is a case where Defendant Lucky Brand, a major clothing manufacturer, has so saturated the market with the "GET LUCKY" trademark that the owner of the mark, Marcel, is losing its identity in the market to Defendant Lucky Brand.

Marcel is the exclusive owner of the right to use in commerce the trademark "GET LUCKY" by virtue of its first use over Defendants in the sale of clothing and apparel. Such use by Marcel began in 1985, and has been continuous since that time. Defendants admit they could not have used the mark prior to 1991. (Exhibit C, pg. 2, note1).

Marcel has been selling clothing and apparel under the "GET LUCKY" trademark since at least as early as 1985, and has maintained Jackie Goldberg, as an independent sales representative since 1986. Ms. Goldberg has sold substantial quantities of Marcel's goods under the "GET LUCKY" trademark continuously since 1986. (Aff. Goldberg, at 2).

Marcel and Ms. Goldberg have exhibited the "GET LUCKY" brand at various trade shows throughout the United States, with each of several shows staged several times per year, since 1985, and has continuously exhibited at these, and other, industry trade shows. (Mizrachi Aff. at 5, and Goldberg Aff. at 4). Marcel has spent considerable resources in establishing the "GET LUCKY" trademark as a source of highly distinctive, quality clothing and apparel in the United States, and have made substantial sales.

Consequently, the "GET LUCKY" trademark and Marcel's reputation have grown steadily and now are well-known throughout the United States as the source of origin for these goods. The "GET LUCKY" trademark has become associated in the minds of consumers as a source of one of the most reputable and consistent brands of clothing and apparel in the United States. Marcel has continued to upgrade and expand its product line and Marcel enjoys the benefit of the goodwill associated with Marcel's use of the "GET LUCKY" trademark in the United States. (Goldberg Aff. at 8).

In or around mid to late June 1999, Marcel discovered that Defendant Lucky Brand began advertising its product line through the use of bench advertisements throughout the city of Miami, Florida, and throughout the United States, and by placing advertisements in national publications. These advertisements prominently display Marcel's "GET LUCKY" mark.

Earlier, in or around December 1998, Marcel was contacted by counsel for Defendant Lucky Brand and threatened with a cease and desist letter. The letter, dated December 10, 1998, demanded that Marcel cease and desist its use of the "GET LUCKY" mark. Defendant Lucky Brand admitted that they use the "GET LUCKY" mark, and that Marcel's continued use of its own mark "if continued, may cause problems." (Exhibit B, pg. 2, ¶ 2). Such use, it was alleged

by Defendant Lucky Brand, was likely to cause confusion with Defendant Lucky Brand's very use of the identical mark on identical goods. Furthermore, Defendant Lucky Brand concedes that Marcel's use of the "GET LUCKY" mark is also likely to cause confusion with its "LUCKY BRAND" mark as well. Upon the admission of such a likelihood of confusion, Defendant Lucky Brand's use of the "LUCKY BRAND" mark is also likely to be confused with Marcel's "GET LUCKY" mark.

After receiving Defendant's cease and desist letter Marcel's owner, Ezra Mizrachi, contacted Gary Nelson, Esq., Lucky Brand's counsel who directed the cease and desist letter to Marcel, and informed Mr. Nelson that Marcel has continuously used the mark in commerce since 1985. Mr. Mizrachi was informed by Mr. Nelson that he would need a lawyer, and that Mr. Nelson would no longer discuss the matter with him. Mr. Mizrachi did not hear from Defendant Lucky Brand until Defendant Lucky Brand filed its Notice of Opposition, in a proceeding before the Trademark Trial and Appeal Board in or around May 1999. Despite Lucky Brand's actual knowledge of Marcel's senior rights in the "GET LUCKY" mark, Lucky Brand continued its saturation of the marketplace with advertisements, marketing, and promotions, using the "GET LUCKY" mark.

From 1985 until mid-1992, Marcel was the owner of U.S. Registration No. 1,377,345, which was issued in 1985. The federal registration was canceled in 1992 as a result of Marcel's failure to file a Section 8 affidavit. Such a technical failure by Marcel in no way affects Marcel's ownership of the exclusive right in the "GET LUCKY" trademark, as a registration is not required to establish ownership rights in a trademark. 15 U.S.C. §1125. However, the existence of Marcel's canceled registration is readily discoverable upon any cursory examination of the

United States Patent and Trademark Office public records, which are readily available online at uspto.gov, a government web site sponsored by the United State Patent and Trademark Office. This web site is frequently used by not only most every trademark attorney, but also the public at large, at no cost. The existence of the cancelled registration serves as notice of Marcel's potential common law rights, if only Defendant Lucky Brand cared to search these records prior to asserting its junior rights against Marcel. Lucky Brand's careless attack on Marcel's rights is fatal to its case because they have admitted a likelihood of confusion, despite being the junior user of the "GET LUCKY" mark. Instead, Lucky Brand chose to proceed, unabated, toward usurping Marcel's goodwill in the "GET LUCKY" trademark.

Defendant Lucky Brand filed its Notice of Opposition in the United States Patent and Trademark Office despite actually having already contacted Marcel and after having been informed by Mr. Mizrachi that Marcel was the senior user. (Mizrachi Aff., at 10&11).

With actual knowledge of Marcel's continued and uninterrupted use of the "GET LUCKY" trademark, and its rights as the senior user, Defendant Lucky Brand continued its effort to saturate the market with advertising, marketing and promotion of its clothing line under the "GET LUCKY" trademark. Upon information and belief, Defendants have dedicated millions of dollars to its advertising, marketing and promotion under the "GET LUCKY" trademark. Defendant Lucky Brand has continued to prevent Marcel from the exclusive right to use its "GET LUCKY" trademark and by maintaining its formal opposition in the United States Patent and Trademark Office, has deprived Marcel of its right to its federal registration.

Defendants have advertised in national publications, including the New York Times, and on Defendant Lucky Brand's web site. Most any Internet search engine using such words as

"GET LUCKY and jeans" will illustrate the impact of the association that Lucky Brand has with the "GET LUCKY" mark. (Composite Exhibit D). Such an attempt to saturate the market with its advertising under the "GET LUCKY" trademark has caused, and will continue to cause significant damage to Marcel's good will. A copy of these known advertisements are attached hereto as Exhibit E. Lucky Brand claims on their web site to advertise in such national publications such as GQ, ESQUIRE, SEVENTEEN, ELLE, VANITY FAIR, and IN STYLE, while also admitting to selling in major retailers. (Exhibit F).

Furthermore, Defendant Lucky Brand's website, luckybrandjeans.com prominently features Marcel's "GET LUCKY" mark, such that the "GET LUCKY" mark is displayed in parts of the website more prominently than Defendant's own "LUCKY BRAND" mark. (Exhibit G).

Marcel has not authorized Defendants' various uses of its "GET LUCKY" trademark, and Marcel and Defendants are not associated, sponsored, affiliated, or connected. (Mizrachi Aff. at 14&15). Such use by Defendants is, as admitted by Defendant Lucky Brand, likely to cause confusion, mistake, deception, and the public is mislead, resulting in a false designation of origin, false or misleading representation or description as to the owner of the mark.

Defendants are using the mark in Florida and in the United States and are displaying the mark on advertisements, graphic displays, bench advertisements, and the Internet and are so saturating the market with advertisements that Marcel's good will is suffering as a result of Defendant Lucky Brand's admitted likelihood of confusion. Consumers are likely to confuse Defendants' goods offered under the "GET LUCKY" trademark with goods offered by Marcel, or goods of Marcel with those of the junior user Defendants. Such use where the junior user is

perceived as the senior user results in reverse confusion, which is equally actionable under the Lanham Act.

In the absence of this Court's granting of the relief sought herein, it is likely that the Defendants will continue to infringe on Marcel's "GET LUCKY" trademark, and to further saturate the market with advertisements which are eroding Marcel's goodwill in the "GET LUCKY" trademark.

Based upon the foregoing facts, Marcel has filed its Complaint, and Marcel is entitled to a preliminary injunction.

3. MARCEL IS ENTITLED TO A PRELIMINARY INJUNCTION

To prevail on a motion for preliminary injunction, Marcel must clearly establish: (1) a substantial likelihood of success on merits; (2) that it would be irreparably harmed if injunctive relief were denied; (3) that threatened injury to the trademark owner outweighs whatever damage injunction may cause to alleged infringer; (4) that an injunction, if issued, would not be adverse to public interest. Davidoff & CIE, S.A. v. PLD Intern. Corp., 263 F.3d 1297, 1300, (11th Cir. 2001). Tally-Ho, Inc. v. Coast Community College District, 889 F.2d 1018, 1022 (11th Cir. 1990).

As set forth below, Marcel is able to satisfy each of the four prongs of this test.

A. Substantial Likelihood of Success on the Merits.

In order to succeed on the merits of a trademark infringement claim, Marcel must show that the Defendants used the mark in commerce without its consent and "that the unauthorized use was likely to deceive, cause confusion, or result in mistake." McDonald's Corp. v. Robertson, 147 F.3d 1301, 1307 (11th Cir. 1998). Generally speaking, the determination boils

down to the existence *vel non* of "likelihood of confusion." AmBrit, Inc. v. Kraft, Inc., 812 F.2d 1531, 1538 (11th Cir. 1986).

Defendants have consistently admitted that their use of the "GET LUCKY" trademark is likely to cause confusion with Marcel's use. (Exhibits A & B). In this case, Defendants, without authorization from the trademark owner, are purporting to offer for sale jeans, clothing, and apparel under the "GET LUCKY" trademark in the United States in direct competition with Marcel and its authorized dealers. Defendants have no right and no authority to sell, offer for sale, advertise, market, or promote its products and goods under the "GET LUCKY" trademark without Marcel's authority or permission. McDonald's, at 1307. Marcel has never given such authority to Defendants. (Mizrachi Aff. at) Giving the Defendants the benefit of every doubt, one could only interpret the Defendants' conduct is a violation of the United States trademark laws and constitutes an unfair trade practice.

To prevail in an infringement action under the Lanham Act, Marcel must demonstrate (1) that its mark has priority and (2) that the Defendants' mark is likely to cause consumer confusion. Frehling Enterprises, Inc. v. International Select Group, Inc., 192 F.3d 1330, 1335 (11th Cir. 1999).

The only issue to be resolved is one of priority in light of Defendants' several admissions as to a likelihood of confusion. In order to show substantial likelihood of success on the merits of its trademark infringement claims under the Lanham Act and common law, Marcel must present compelling evidence that there is a likelihood that consumers will be confused about the relationship or affiliation between Marcel's and Defendants' products. Michael Caruso & Co., Inc. v. Estefan Enterprises, Inc., 994 F. Supp. 1454, 1457-1458 (S.D. Fla. 1998). Here, it could

not be clearer. Defendant Lucky Brand has admitted that its use and Marcel's use is likely to cause confusion. Defendant Lucky Brand demanded that Marcel cease and desist its use of the "GET LUCKY" mark in a letter dated December 10, 1998, inferring that the respective uses are likely to cause confusion in the marketplace. That, coupled with Defendant Lucky Brand's filing of its Notice of Opposition in April 2000, against Marcel's federal trademark application, and citing a likelihood of confusion as the basis, is conclusive evidence.

The parties sell virtually identical goods, also admitted by Defendants. (Exhibit A). A similarity of goods simultaneously sold in the same market under the same name creates a presumption of consumer confusion as a matter of law. Societe Des Produits Nestle, S.A. v. Casa Helvetia, Inc., 982 F.2d 633, 640 (1st Cir. 1992);

This presumption holds particularly true in a situation such as this, where the goods in question are "highly artistic, luxury goods." Martin's Herend Imports, Inc. v. Diamond & Gem Trading USA, Co., 112 F.3d 1296, 1299 n.2 (5th Cir. 1997). In Martin Herend, the court explained that "[t]he successful marketing of such goods in this country by a manufacturer is a skill and not a science. It depends not only on the 'quality' of such goods as measured in some objective or scientific sense, but the ability to impart on the domestic consumer a view that the goods are collectable, elegant, chic, or otherwise highly desirable pieces to own." Id. at 1302.

Marcel has been using the distinctive trademark "GET LUCKY" on its clothing since 1985. (Exhibit D, Mizrachi Aff. at 2&3, Goldberg Aff. at 2). Marcel has used the mark continuously since 1985, and has never abandoned the mark. Marcel has continuously marketed and sold its products through various trade shows throughout the entire United States, and has

sold its goods in virtually every state in the country. Marcel has attended various trade shows throughout the United States since 1985. (Mizrachi Aff. at 5, Goldberg Aff. at 4).

Importantly, and dispositive of Defendants' case, is that they have even admitted that they could not possibly have used the mark prior to 1991. (Exhibit C). This admission should settle the issue of priority in favor of Marcel, resulting in the issuance of a preliminary injunction.

B. Marcel Will Suffer Irreparable Harm in the Absence of Injunctive Relief.

On the irreparable injury element, our circuit has stated that " 'a sufficiently strong showing of likelihood of confusion [caused by trademark infringement] may by itself constitute a showing of ... [a] substantial threat of irreparable harm.' " Davidoff, at 1304. A sufficiently strong showing of likelihood of confusion may by itself constitute a showing of substantial likelihood of prevailing on the merits and/or a substantial threat of irreparable harm." Carillon Importers, Ltd. v. Frank Pesce Group, Inc., 913 F. Supp. 1559, 1568 (S.D. Fla. 1996)(noting that in trademark cases "a sufficiently strong showing of likelihood of confusion may constitute a showing of a substantial threat of irreparable harm").

In the case at bar, Marcel suffers harm not only due to the fact that Defendants are using Marcel's mark on virtually identical goods, but that Defendants' saturation of the market through the use of the "GET LUCKY" mark is resulting in an exponential loss of Marcel's goodwill. Defendants are usurping Marcel's exclusive right to be identified with and by the "GET LUCKY" mark. Clearly, Marcel's's reputation and goodwill are being harmed greatly, and this injury is what the trademark laws are designed to protect. A. Bourjois & Co. v. Katzel, 260 U.S. 689, 692 (1923).

C. Balancing of Hardships.

To establish a prima facie case in an ordinary trademark infringement suit, Marcel need only demonstrate that it enjoys enforceable rights in its mark and Defendants adopted a mark that was the same or confusingly similar. SunAmerica Corp. v. Sun Life Assur. Co. of Canada, 77 F.3d 1325, 1334 (11th Cir. 1996).

As Defendants' activities are unlawful, and that Marcel has clearly established that it is the senior user, Defendants cannot claim any right to engage in the practice of selling, offering for sale, advertising, marketing, and promoting its products and goods under the "GET LUCKY" mark in the United States. Therefore, the requested injunction would only require the Defendants to act in accordance with the law and thereby Defendants will suffer no harm by being enjoined from undertaking an unlawful activity. Defendants are not prevented from selling its products and goods, but cannot do so through the use of Marcel's "GET LUCKY" mark.

Marcel's goodwill is being eroded due to Defendants continued saturation of the market through advertisements, marketing, and promotions which use the "GET LUCKY" mark. The probable loss of consumer goodwill for Marcel outweighs the costs to Defendants. Davidoff, at 1304.

D. Granting the Injunction Will Not Be Harmful to the Public Interest.

The public interest is served when a court prevents consumers from being confused by deceptive products. The public is in no way benefitted by Defendants' continued saturation of the market through use of the "GET LUCKY" mark in its advertising, marketing, and promotion. An injunction is not adverse to the public interest, because the public interest is served by preventing consumer confusion in the marketplace. SunAmerica, at 1334.

4. MARCEL'S FACTUAL SUBMISSIONS ARE SUFFICIENT TO SUPPORT THE COURT'S GRANTING OF A PRELIMINARY INJUNCTION.

In the context of the Motion for Preliminary Injunction proceeding, the court may properly consider Affidavits and other evidence which might not be admissible at trial. *See, e.g., Levi Strauss & Co. v. Sunrise International Trading, Inc.*, 51 Fed.3d 982, 985 (11th Cir. 1995) ("At the preliminary injunction stage, a district court may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction, if evidence is 'appropriate given the character and objectives of the injunctive proceeding' *citing Asseo v. Pan American Grain Company*, 805 Fed.2d 23, 26 (1st Cir. 1986).

5. MARCEL IS ENTITLED TO AN ORDER FOR AN ACCOUNTING.

Marcel is entitled to an accounting to preserve its statutory right under the Lanham Act, 15 U.S.C. §1116(a), 1117 and an accounting of the proceeds and profits gained from Defendants' illegal conduct. *See Levi Strauss & Co. v. Sunrise International Trading*, 51 F.3d 982, 987 (11th Cir. 1995).

Similarly, in *Levi Strauss*, the Eleventh Circuit noted that, "[a] request for equitable relief evokes the district court's inherent equitable powers to order preliminary relief, including an asset freeze, in order to assure the availability of equitable relief." *Levi Strauss & Co. v. Sunrise International Trading*, 51 F.3d 982, 987 (11th Cir. 1995). Citing to *Reebok Intern, Ltd v. Marnatech Enterprises, Inc.*, 970 F.2d 552, 559 (9th Cir. 1992), wherein the Ninth Circuit held that a pre-judgment asset freeze is an appropriate exercise of a district court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief; *see also Caterpillar, Inc. v. Jerryco Footwear, Inc.*, 880 F.Supp 578, 587 (C.D. Ill. 1994) (preliminary

injunction froze defendant's assets during pendency of fraud action to prevent additional fraudulent transfers while defendants were entitled to continue legitimate business operations).

6. CONCLUSION

On the basis of the foregoing, it is respectfully requested that this Court grant Marcel's Motion for Preliminary Injunction; an Order freezing the assets of Defendants sufficient to account for Marcel's damages; and expedited discovery such that Marcel may stem the flow against Lucky Brand's destruction of Marcel's goodwill in the "GET LUCKY" mark.

WHEREFORE, Marcel Fashion Group, Inc. respectfully requests that this Court issue a Preliminary Injunction restraining Defendants Lucky Brand and Federated Department Stores, Inc., its agents, servants, successors and assigns, customers, retailers, and all others in concert and privity with them, from infringement of Marcel's "GET LUCKY" trademark, from advertising, marketing, or promoting their jeans, clothing, and apparel through use of the "GET LUCKY" trademark or designation, from further injuring Marcel's business reputation, from unfairly competing with Marcel and from engaging in unfair and deceptive trade practices. In particular, Defendants should be specifically Ordered: (i) to be preliminarily restrained from using Marcel's "GET LUCKY" trademark in connection with any service, or the sale, offer for sale, advertising, marketing, or promotion of jeans, clothing, and apparel; (ii) from using, attempting to use, promoting, advertising, marketing, selling, or offering for sale any jeans, clothing, or apparel through the use of the "GET LUCKY" trademark or similar variations thereof and from representing or in any way further creating the impression that the goods and services Defendants offer are connected, sponsored or approved by Marcel or the products and goods Marcel offers under the "GET LUCKY" mark; (iii) an accounting, and the freezing of

Defendants' assets, including bank accounts in an amount which shall provide for Marcel's claim for damages and Defendants profits; (iv) to remove any and all advertisements, bench ads, promotions, or marketing efforts comprising the mark "GET LUCKY, " and to remove all references to "GET LUCKY" from their website; (v) to contact any and all customers, agents, retailers, advertising agencies, publications, promoters, marketers, or sellers, and informing them that Defendants have been preliminarily enjoined from using the "GET LUCKY" trademark; and (vi) an Order requiring Defendants to file and serve within thirty days a report in writing under oath setting forth the in detail and the manner in which Defendants have complied with the injunction entered by this Court.

DATED January 14, 2002.

Respectfully submitted,

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By: 

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Florida Bar No.: 817570

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this 14th day of January, 2002, via first class U.S. Mail, postage pre-paid, to: Jay B. Shapiro, Esq., STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A., Suite 2200 Museum Tower, 150 West Flagler Street, Miami, Florida 33130, and Martin W. Schiffmiller, Esq. KIRSCHSTEIN, OTTINGER, ISRAEL, & SCHIFFMILLER, P.C., 489 Fifth Avenue, New York, New York 10017-6105.

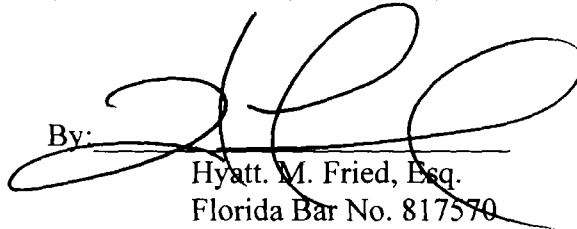
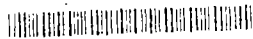
By: 
Hyatt. M. Fried, Esq.
Florida Bar No. 817570

EXHIBIT A



05-08-2000

U.S. Patent & TMOR/TM Mail Reg'dOL #11

TRADEMARK

Docket No. 110.2*41/GJN/L314

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 75/466,537 of Marcel Fashion Group, Inc., filed April 13, 1998, for the mark GET LUCKY in Class 25, as published in the Trademark *Official Gazette* on January 4, 2000 (the term for opposition having been extended to May 3, 2000).

LUCKY BRAND DUNGAREES, INC.,)	Opposition No.
)	
Opposer,)	NOTICE OF OPPOSITION
)	
v.)	
)	
MARCEL FASHION GROUP, INC.)	Mark: GET LUCKY
)	Serial No.: 75/466,537
Applicant.)	Filed: April 13, 1998
)	

Lucky Brand Dungarees, Inc. ("Lucky Brand" or "Opposer"), a Delaware corporation having its principal place of business at 4599 District Boulevard, Vernon, California, 90058, believes that it will be damaged by the registration of the mark shown in Application Serial No. 75/466,537 in International Class 025 and hereby opposes its registration.

As grounds for opposition, Opposer alleges that:

1. Applicant Marcel Fashion Group, Inc. ("Marcel Fashion Group" or "Applicant") seeks to register GET LUCKY as a trademark for CLOTHING, NAMELY, MEN'S AND WOMEN'S JEANS AND T-SHIRTS; AND BABY CLOTHES, NAMELY T-SHIRTS, SHORT SETS COMPRISED OF TOPS AND SHIRTS, PANTS SETS COMPRISED OF TOPS AND PANTS, AND ROMPERS, in International Class 025, alleging a date of first use of February 1985, as evidenced by the publication of this mark in the *Official Gazette* on page TM 508 of the January 4, 2000 issue.

2. Opposer has used the designation GET LUCKY.

Opposition to Serial No. 75/466,537

3. Opposer is informed and believes, and on that basis alleges, that Applicant abandoned any trademark rights it may have had in the designation GET LUCKY before Applicant's filing date (i.e., April 13, 1998) for the present application.

4. Opposer's rights in GET LUCKY precede any rights Applicant may have in the designation GET LUCKY for use in association with the goods listed in the pending application (i.e., Applicant's filing date of April 13, 1998).

5. The designation Applicant seeks to register, GET LUCKY, is identical to Opposer's GET LUCKY designation, at least as to visual appearance, sound, commercial impression, and connotation.

6. The goods identified in Applicant's application are identical or closely related to at least some of the goods with which Opposer has associated its GET LUCKY designation.

7. Opposer is informed and believes, and on that basis alleges, the marketing and channels of trade associated with the goods identified in Applicant's application are closely related, if not identical, to the marketing and channels of trade within which Opposer sells, markets, and advertises goods associated with its GET LUCKY designation.

8. Registration of Applicant's GET LUCKY designation would be inconsistent with the rights of the Opposer.

9. Applicant's registration and/or use of the designation GET LUCKY in association with the goods listed in its application is likely to cause injury to Opposer's business reputation and to injure and impair Opposer's rights in its GET LUCKY designation by causing confusion, mistake, and/or deception as to the respective rights of the parties and as to the source or sponsorship of the respective goods.

10. Alternatively, Applicant's registration and/or use of the designation GET LUCKY in association with the goods listed in its application is likely to cause injury to Opposer's business reputation and to injure and impair Opposer's rights in its GET LUCKY designation by preventing Opposer from using the designation in a descriptive manner (e.g., using the phrase "Get Lucky" to encourage consumers to purchase Lucky Brand clothing products).

Opposition to Serial No. 75/466,537

11. Opposer is informed and believes, and on that basis alleges, that Applicant was aware of the fact that it did not own trademark rights in the designation GET LUCKY, dating back to Applicant's alleged date of first use of February 1985 for the goods listed in the application, at the time it filed the present application (i.e., Ser. No. 75/466,537).

12. Opposer is informed and believes, and on that basis alleges, that Applicant's failure to disclose the fact that it did not own rights in the designation GET LUCKY, dating back to Applicant's alleged date of first use of February 1985 for the goods listed in the application, was knowing and willful, and made with full knowledge that such false statements would jeopardize the validity of the application or any registration resulting therefrom.

13. Opposer is informed and believes, and on that basis alleges, Applicant was aware of the fact that Opposer had rights in GET LUCKY at the time it filed the present application.

14. Opposer is informed and believes, and on that basis alleges, that Applicant's failure to disclose the fact that it was aware of Opposer's rights in GET LUCKY at the time it filed its application, was knowing and willful, and made with full knowledge that such false statements would jeopardize the validity of the application or any registration resulting therefrom.

Opposition to Serial No. 75/466,537

WHEREFORE, Opposer prays that this opposition be sustained, Application Serial No. 75/466,537 be rejected, and that Applicant's designation GET LUCKY, for the goods listed in the pending application, be refused registration.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date 5/3/2000

By Gary J. Nelson
Gary J. Nelson
Attorneys for Opposer
P.O. Box 7068
Pasadena, California 91109-7068
626/795-9900

GJN/tmt

Enclosures: Copy of Notice of Opposition
TMT PAS247927.1-5/3/00 3:03 PM

EXHIBIT B

D. BRUCE PROUT
HAYDEN A. GARNEY
RICHARD J. WARD, JR.
LEROY T. RAHN
WALTER G. MAXWELL
WILLIAM P. CHRISTIE
DAVID A. DILLARD
THOMAS J. DALY
VINCENT G. GIOIA
THEODORE A. PIANKO
EDWARD R. SCHWARTZ
JOHN D. CARPENTER
WESLEY W. MONROE
DAVID A. PLUMLEY
JOHN W. ELDREDGE
GREGORY S. LAMPERT
MARK GARCIA
GRANT T. LANGTON
SYED A. KASAN
CONSTANTINE MARANTIDIS
MARILYN R. KHORSANDI
CRAIG A. GELFOUND
DANIEL M. CAVANAGH

GARY J. NELSON
KATHLEEN M. OLSTER
JOSEPHINE LIM
ROBERT D. ROWLETT
MONTE M. F. COOPER
ALBERT J. HARNOIS, JR.
JOEL A. KAUTH
PATRICK Y. IKEHARA
PETER J. REITAN

OF COUNSEL

R. WILLIAM JOHNSTON
RUSSELL R. PALMER, JR.
RICHARD D. SEIBEL
ROBERT L. TOMS, SR.

PATENT AGENTS

MOLLY A. HOLMAN, Ph.D.
NORMAN E. CARTE
LUCINDA G. AUCIELLO

*ADMITTED ONLY IN PA

CHRISTIE PARKER & HALE

LLP

Intellectual Property
Lawyers

REPLY TO PASADENA

December 10, 1998

PASADENA OFFICE
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CALIFORNIA 91105
POST OFFICE BOX 7068
PASADENA, CALIFORNIA 91108-7068
TELEPHONES:
(826) 788-9900/(213) 881-1800
FACSIMILE: (826) 577-8800
E-MAIL: info@cph.com

ORANGE COUNTY OFFICE
5 PARK PLAZA, SUITE 1440
IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 478-0757
FACSIMILE: (949) 476-8840

JAMES B. CHRISTIE (1904-1958)
ROBERT L. PARKER (1920-1980)

OUR REFERENCE

L314:30.2*12

VIA FEDERAL EXPRESS

Mr. Ezra Mizrachi
President
MARCEL FASHION GROUP, INC.
394 N.W. 24th Street
Miami, FL 33127

Re: Lucky Brand Dungarees, Inc.

Dear Mr. Mizrachi:

We represent Lucky Brand Dungarees, Inc. of Vernon, California. Our client has, for many years been using a family of LUCKY trademarks in connection with the marketing and sale of a wide variety of clothing and related products. These "LUCKY" marks have been used extensively on men's and women's jeans and T-shirts. Our client also uses the mark GET LUCKY. Copies of representative samples of such use have been enclosed for your review.

Lucky Brand's products are of the highest quality and have developed tremendous goodwill in the marketplace. The "LUCKY" marks have come to represent that goodwill. Our client has invested substantial time, effort and money in developing its distinctive "LUCKY" marks, and the goodwill associated therewith and is determined to protect its investment.

Our client is the owner of numerous trademark registrations for its LUCKY family of trademarks for clothing and apparel including United States Registration No. 1,646,123 for LUCKY BRAND, United States Registration No. 1,739,962 for LUCKY YOU, United States Registration No. 1,886,118 for LUCKY YOU and design, United States Registration No. 2,099,756 for LUCKY WASH, United States Registration No. 2,158,107 for LUCKY BRAND DUNGAREES OF AMERICA TOO TOUGH TO DIE and Design, United States Registration No. 2,176,036 for LUCKY BRAND ONE SIZE FITS HER T-SHIRTS, and United States Registration No. 2,174,252 for LUCKY BRAND ONE SIZE FITS HIM T-SHIRTS.

Mr. Ezra Mizrachi
MARCEL FASHION, INC.
December 10, 1998
Page 2

CHRISTIE
PARKER
& HALE
LLP

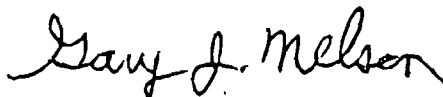
In addition, our client is the owner of numerous "LUCKY" trademark applications currently pending before the United States Patent and Trademark Office for clothing and apparel, including App. Ser. No. 75/117,087 for LUCKY BRAND, App. Ser. No. 75/012,950 for BE LUCKY, App. Ser. No. 75/117,086 for LUCKY YOU, App. Ser. No. 75/238,637 for LUCKY KING, App. Ser. No. 75/450,495 for LUCKY ME, App. Ser. No. 75/450,494 for LUCKYVILLE, App. Ser. No. 75/542,834 for LUCKY BABY, App. Ser. No. 75/542,835 for LUCKY BRAND BABY, App. Ser. No. 75/542,836 for LUCKY BOY, App. Ser. No. 75/542,837 for LUCKY BRAND BOY, App. Ser. No. 75/542,838 for LUCKY GIRL, App. Ser. No. 75/542,839 for LUCKY BRAND GIRL, App. Ser. No. 75/542,840 for LUCKY KID, App. Ser. No. 75/542,825 for LUCKY BRAND KID, App. Ser. No. 75/542,826 for LUCKY KIDS, App. Ser. No. 75/542,827 for LUCKY BRAND KIDS.

Despite our client's active involvement in the clothing industry and regular attendance and participation at numerous trade shows in that industry for many years, it had not encountered your company's use of the term "GET LUCKY." However, very recently our client became aware that your company is using the term "GET LUCKY" in connection with the sale of clothing and has applied for trademark registration of that term. Such conduct, if continued, may cause problems.

To resolve this matter, we demand that Marcel Fashion Group, Inc. take immediate steps to withdraw its application and terminate all uses of the term LUCKY in connection with its business, and with its marketing and sale of clothing products. Lucky Brand further demands that your company immediately remove from inventory, or instruct its affiliates to remove from inventory, all clothing containing the term LUCKY.

Should you have any questions regarding the foregoing, please feel free to contact us. Our client considers this an extremely important matter and we look forward to hearing from you or your attorney in writing regarding compliance with our demand within two weeks of your receipt of this letter.

Very truly yours,



Gary J. Nelson

TJD/GJN/sem
cc: Lucky Brand Dungarees, Inc.

EXHIBIT C

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.ATTORNEYS AT LAW
PATENT, TRADEMARK AND COPYRIGHT CAUSESDAVID B. KIRSCHSTEIN
ALAN ISRAEL
MARTIN W. SCHIFFMILLER489 FIFTH AVENUE
NEW YORK, N.Y. 10017-6105

(212) 697-3750

MORRIS KIRSCHSTEIN
(1918-1978)BERTRAM OTTINGER
(1937-1985)

LISA A. PIERONI

FACSIMILE: (212) 949-1690

WRITER'S E-MAIL: MWS@KIRSCHSTEINLAW.COM

October 25, 2001

Via Facsimile

(954) 923-0903 (166)

Hyatt M. Fried, Esq.
Fried & Associates, P.A.
2630 Hollywood Boulevard
Suite 101
Hollywood, FL 33020

Total Transmission: 2 pages

Re: Marcel Fashion Group, Inc. v.
Lucky Brand Dungarees, Inc.
Civil Action No. 01-7945
Southern District of Florida

Dear Mr. Fried:

I am writing in response to your letter of October 19 and Lou Gigliotti's letter of October 23, 2001 regarding the above action.

We appreciate your willingness to produce informally documentation purporting to demonstrate your client's continuous use of the trademark GET LUCKY on its goods from 1985 to the present, and we look forward to receiving both representative sales invoices and sales figures for GET LUCKY products during that time period. As I discussed with Mr. Gigliotti, Lucky Brand has operated under the impression that Marcel Fashion Group ceased use of the GET LUCKY mark for at least several years during the 1990's with no intention to resume such use, and our client has detected little, if any, of Marcel's GET LUCKY product in the marketplace even since it became aware of your client's pending trademark application. We are very interested in seeing documents that might persuade us that Marcel has made continuous, substantial use of the GET LUCKY mark on apparel.

I believe you and Mr. Gigliotti may have misconstrued my conversation with him of last week. At no time did I indicate that Lucky Brand would be producing at this time "documentation of its sales, first use, advertising, magazines which ran ads using the 'GET LUCKY' mark" or "amounts spent on advertising, profits attributed to the use of the 'GET LUCKY' mark in the advertisements, and other related documentation for calculation of damages," as set forth in your letter. In the first place, you are "putting the cart before the horse" by speaking of calculating damages. Lucky Brand in no way concedes that the claims asserted in Marcel's complaint have any merit, much less that Marcel is entitled to any damages or other monetary award with respect to those claims.

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

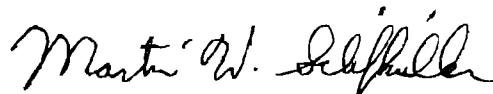
Hyatt M. Fried, Esq.
October 25, 2001
Page 2

Secondly, you should realize that the allegations of trademark infringement made in your client's complaint came as quite a surprise to our client. Lucky Brand has been in communication with Marcel regarding the GET LUCKY designation for almost three years, and at no time did Marcel or its attorneys charge Lucky Brand with infringement, produce any proof of continuous prior use by Marcel or allege that Marcel had been damaged in any way by our client's use of GET LUCKY. Understandably, Lucky Brand viewed the belated allegations made in your client's complaint with great skepticism. The purpose of my telephone conversation with Mr. Gigliotti was to apprise him that if Marcel produced persuasive proof of its alleged prior¹ and continuous use of the GET LUCKY designation, my client might reconsider its view of this case. I did not represent to Mr. Gigliotti that Lucky Brand would be making any reciprocal disclosure of documents or information at this time.

Regarding the statements made in the last paragraph of your letter to the effect that if we are not able to settle the case you will amend Marcel's complaint to include claims that other of Lucky Brand's trademarks infringe your client's alleged rights in GET LUCKY and to bring Lucky Brand's customers into the action, such threats neither are constructive nor do they carry much weight. Our client has been using the trademark and trade name LUCKY BRAND and many of its other LUCKY marks for as long as 11 years, and has made massive sales and done extensive advertising of products bearing those marks throughout the United States. A number of these trademarks are the subject of incontestable registrations owned by Lucky Brand. For Marcel to now claim that the use of such trademarks infringes its proprietary rights would be baseless, frivolous and barred by incontestability, laches, estoppel and waiver, among other defenses.

In short, we repeat our request that you send us the maximum documentation possible of Marcel's prior and continuous use of GET LUCKY. We would also like to see either current catalogs or current samples of Marcel's GET LUCKY products. As you have requested, we will maintain all documentation other than publicly available catalogs, advertisements and garments as confidential and for attorneys' eyes only pending the entry of a formal confidentiality order in this case.

Very truly yours,



Martin W. Schiffmiller

MWS/pat

cc: Mr. Louis Gigliotti
Lori Buchbinder, Esq.
Mr. Trent Merrill

C:\beashare\Litigation\Lucky\Fried.marcel\l1.wpd

¹ Lucky Brand concedes that it cannot have a first use date for GET LUCKY earlier than 1990 because that is when the company was founded.

EXHIBIT D



See the top searches of 2001

Search Results

"get lucky" and jeans



Advanced Search
Help



Your search: "get lucky" and jeans

Categories | Web Sites | Web Pages | News

Web Page Matches

1-20 of 2320 | Next 20 >

Search Books



- "GET LUCKY..."
- Prints and Posters
- Bargain Books

1. [L90 | Media Kit - US - Advertisers - Case Studies: Build ...](http://www.l90.com/mediakit/us/advertisers/case_studies/lucky_brand_cs.html)
... Services Group utilized **Lucky Brand Jeans** trademarks, such as the **Lucky** winking Buddha,
to develop ... com! Help your friends **get lucky**, too. Send this to five ...
http://www.l90.com/mediakit/us/advertisers/case_studies/lucky_brand_cs.html
More Results From: www.l90.com
2. [Lucky Brand Jeans - Copyright Notice](http://www.luckyjeans.com/html/copyright.asp)
... below.. For more information about **Lucky Brand Jeans**,
please contact us at: [LuckyBrandJeans ... com](http://www.luckyjeans.com/html/copyright.asp). ...
<http://www.luckyjeans.com/html/copyright.asp>
More Results From: www.luckyjeans.com
3. [designer shoes, clothing & handbag stores - online shopping ...](http://www.fashionbrokers.com/shopping_mall/intronew.htm)
... **Lucky Brand Jeans** - The superior style and fit of **jeans**. **Get Lucky with Lucky**
Brand Jeans! more clothing stores; Pacific Sunwear - Staying in front of the ...
http://www.fashionbrokers.com/shopping_mall/intronew.htm
More Results From: www.fashionbrokers.com
4. [got style? Style Revolution - Style Network for fashion, ...](http://www.stylerevolution.com/it's_all_in_the_genes.htm)
... day!! All of **Lucky Brand Jeans** are available for purchase online ... the Luckyville Diner
and ask **Lucky Girl** for any additional help you may need. **Get Lucky!!!** ...
http://www.stylerevolution.com/it's_all_in_the_genes.htm
5. [Teen Clothing - Fashion Shopping Outlet - Online Shopping](http://www.fashionshoppingoutlet.com/teen/)
... **Lucky Brand Jeans** - The superior style and fit of **jeans**. **Get Lucky with Lucky Brand**
Jeans! Espirt - Dedication to excellence in product design and quality that ...
<http://www.fashionshoppingoutlet.com/teen/>
More Results From: www.fashionshoppingoutlet.com
6. [Affiliate Marketing Programs and Associate Programs Guide](http://www.loadedaffiliate.com/directory/html/gp14.shtml)
... **Lucky Brand Jeans Get Lucky with Lucky Brand Jeans!** Direct your visitors to **Lucky**
Brand Jeans, and they will pay you 5% for every sale they make! As an ...
<http://www.loadedaffiliate.com/directory/html/gp14.shtml>
More Results From: www.loadedaffiliate.com
7. http://www.onthescene.com/wmH_luckyfragrance.htm
... the hottest maker of **jeans** and other apparel, is ... the magical setting of "**Lucky's Diner**"
where she comes ... implied message. . . you can **get "lucky"** with **Lucky You** ...
http://www.onthescene.com/wmH_luckyfragrance.htm
More Results From: www.onthescene.com
8. [Make Money Online Using The Free Money Making Center At ...](http://www.incomemax.com/Affiliate_Programs/Apparel/more5.html)
... Votes: 0) Rate It | Post a Comment or Review! **Lucky Brand Jeans - Get Lucky with**
Lucky Brand Jeans! Direct your visitors to **Lucky Brand Jeans**, and we will pay ...
http://www.incomemax.com/Affiliate_Programs/Apparel/more5.html
9. [FIGHT RACISM!](http://www.csbsju.edu/asiacub/AntiAsian.htm)
... a year now, **Lucky Brand Jeans** has been marketing their clothing line using the image
of a Laughing Buddha with slogans such as "**Get Lucky!**" with a cartoon of a ...
<http://www.csbsju.edu/asiacub/AntiAsian.htm>
10. [\[100hot List \]](http://www.247malls.com)
... 247malls.com. 10. Clothing at Metal **Jeans Inc** American-style clothing for the true ...

www.biggerbras.com.

15. **Get Lucky with Lucky Brand Clothing Shop and ...**
http://www.100hot.com/list.gsp?category=shopping&keywords=clothing

11. AffiliateFirst.com - Affiliate Program Listings - Apparel
... **Lucky Brand Jeans**, earn: 5%-15% per sale. - **Get Lucky with Lucky Brand Jeans!**
Direct
your visitors to **Lucky Brand Jeans**, and we will pay you 5% for every sale ...
http://www.affiliatefirst.com/txt/Apparel/more2.shtml
More Results From: www.affiliatefirst.com
12. **Lucky "Get Lucky Now" T-Shirt**
... Due to computer monitor differences, the colors shown may not be exact. **Lucky "Get Lucky Now" T-Shirt Lucky t-shirt with front left chest and back detailed ...**
http://www.buckle.com/scstore/p-LKY00632.html
More Results From: www.buckle.com
13. Buy Apparel Online at 24HOUR-MALL.COM
... **LuckyBrandJeans.com Get Lucky with Lucky Brand Jeans!** The **Lucky Brand** label has become one of the hottest American denim brands. Much care is taken with each ...
http://www.brainfox.com/xclick/5192299/
14. MAXIM ONLINE: The Great Maxim Football Challenge
... **\$50 Lucky Brand Jeans Gift Certificate. Get Lucky with Lucky Brand Jeans.** Whether you're looking for great fitting **jeans**, logo tees or the latest 'must have ...
http://football.maximonline.com/2001/prizes.asp
15. **Lucky Brand Summer Jam HOB Sweepstakes**
... Wanna hang with your 'click' and groove all night long? **Lucky Brand Jeans** wants you to **GET LUCKY** and have your shot at your very own **Lucky Brand Summer Jam ...**
http://www.musicvision.com/luckybrandjeans/contestInfo.html
16. women's clothing at the All-Internet Shopping Directory!
... For great innerwear and intimate wear for women: Click here (freshpair).
Click here to **get LUCKY (Lucky Brand Jeans)**. Amazon Recommends™. ...
http://www.all-internet.com/womens-clothing.html
More Results From: www.all-internet.com
17. Hip Hop Closet
... Phat Farm, Phat Farm Coats, **Jeans**, Shirts & Shorts, Willie Esco, Willie Esco JEAN SUITS, ... Condoms Since your gear is tight, maybe you'll **get lucky** tonight!!! ...
http://www.hiphopcloset.com/
18. Affiliate Programs - Lifestyle: Beauty & Fashion: Fashion: ...
... **Get Lucky with Lucky Brand Jeans!** Direct your visitors to **Lucky Brand Jeans**, and we will pay you 5% for every sale they make! As an Affiliate of **Lucky Brand ...**
http://www.affiliatesdirectory.com/directory/lifestyle/fashionbeauty/fashion/casual/index.shtml
19. **lucky**
... and who knows, maybe he would **get lucky**.. I started looking for condoms at the ... digging
for my quarters in my **jeans** pocket (poolshooting quarters), when I ...
http://www.geocities.com/akamariehawk/lucky.html
More Results From: www.geocities.com
20. eRank.com: Apparel, Clothing & Fashion: Online Shopping: Mens ...
... **LuckyBrandJeans.com for Men - Get lucky with Lucky Brand Jeans.** Pacific Trekking - Canada's best buy - active and casual clothing for the outdoor enthusiast ...
http://www.erank.com/clothing/shopping/mens_clothing.htm
More Results From: www.erank.com

1-20 of 2320 | [Next 20 >](#)

[Categories](#) | [Web Sites](#) | [Web Pages](#) | [News](#)

YAHOO!

See the top searches of 2001

**Search Results****"get lucky" and jeans**Advanced Search
HelpYour search: **"get lucky" and jeans****Categories | Web Sites | Web Pages | News****Web Page Matches**21-40 of 2320 | **Next 20 >****Search Books!****BARNES & NOBLE**

- **"GET LUCKY..."**
- **Prints and Posters**
- **Bargain Books**

21. **The Hit - Claude Mills**
... how do you **get** into those skin tight **jeans**? You recoil a little, expecting the customary rebuff ... as possible often enough, pretty soon you will **get lucky**. ...
<http://www.cyberjam.net/theuntitled/14-the-hit.htm>
22. **Clothing**
... **Lucky Brand Jeans Get Lucky with Lucky Brand Jeans!** Direct your visitors to **Lucky Brand Jeans**, and we will pay you 5% for every sale they make! As an Affiliate ...
<http://webclay.net/2tier/Category.cfm?ID=53>
23. **Hip Hop Closet**
... & womens, PNB, PNB, Phat Farm, Phat Farm Coats, **Jeans**, Shirts & Shorts. ... your gear is tight, maybe you'll **get lucky** tonight!!! Jewelry, Jewelry **Get** your bling on ...
<http://shop.store.yahoo.com/closet/>
More Results From: shop.store.yahoo.com
24. **This Week's FashionDish**
... Will Jennifer **get Lucky**? Michael Douglas and Catherine Zeta-Jones ... that Jennifer Love Hewitt would wear **Lucky's "Love" jeans** on her new show, "Time of ..."
<http://www.fashiondish.com/issues/oct2999/weeksdish.html>
25. **Decatting A Tree**
... destroy the inner legs of that pair of **jeans** you didn't really care about to begin ... you talk to the cat, you may **get lucky** and have one that will meet you ...
<http://www.fluffyfables.com/article1033.html>
More Results From: www.fluffyfables.com
26. **Fashion Stores**
... **Lucky Brand Jeans** The superior style and fit of **jeans**. **Get Lucky with Lucky Brand Jeans!** Newport ...
<http://home.kayetech.com/shopping/fashion.htm>
27. **Q-online - Leisure: Fashion Menu**
... you want to attract attention. In this, anyone can **get lucky**! ... darlings - AbFab is back! How to wear **jeans**; Chloe hits the streets; Levis withdraws **jeans** in ...
<http://www.q.co.za/2001/2001/leisure/menus/fashionmenu.html>
28. <http://www.fortunecity.com/tinpan/ash/1164/main.html>
... and more! Almost more Britney Spears than you can bear! So what are you waiting for? Go **get "Lucky"**! ... Britney Spears' Signed **Jeans** went for \$7,020. ...
<http://www.fortunecity.com/tinpan/ash/1164/main.html>
More Results From: www.fortunecity.com
29. **Bottle of Rain: A Site on Home, Garden, Health, Cooking, ...**
... the same, and a brand new pair of **jeans** that isn't a name brand will often ... that'll fit you. If you **get really lucky** you can find an expensive collectible ...
<http://bottleofrain.blar.org/bottleofrain.pl?header=Thrift%20Stores%20Compared>
30. **What's Your Lucky Charm? - www.ezboard.com**

... of jeans... -- My lucky charm is: Scarab Let's hope you're not afraid of bugs, because it turns out that scarabs are your lucky charm. But before you get ...
http://pub15.ezboard.com/fourcornersfrm14.showMessage?topicID=517.topic

31. ASIANOW - TIME Asia | Interview: 'I Told Kar-wai I Couldn't ...
... modest. Leung: I was terribly lucky this year. And that's all ... be here. TIME: Do you
get hounded by fans? Leung ... You can wear worn jeans and nobody cares. Try to ...
http://www.cnn.com/ASIANOW/time/features/interviews/2000/10/11/int.tony_leung.html
More Results From: www.cnn.com
32. Call For Entries
... Category: Best Activity Generating Brand Volume Winner: **Get Lucky@Just Jeans**
Client:
Just Jeans Agency: Marketing Workz Objective: To halt a downward spiral of ...
http://www.apma.com/awards%20folder/showcase4.html
33. Page 6
... Only Is It Really Love? (PWL Dub Mix) - 12" Only Places **Get Lucky** (Album
Version)
- CD Single Only. ... Album Version) - 12" & CD Single Only Holes In My Jeans. ...
http://jermainestewart.fanspace.com/Page_6x.html
More Results From: jermainestewart.fanspace.com
34. Finally pleased, not a porn.
... something, and they rubbed against it. When the jeans did rub against it, like
every other step ... and Leecy no longer talk. Maybe I will get lucky again. ...
http://www.bme.freeq.com/pierce/10-female/clit/A10509/cltfinal.html
35. VirtualTourist.com : Cologne - Member Tips & Pictures
... men, women and children. **Get Lucky** today! - www.luckybrandjeans.com. **GET**
COLOGNE
MEMBER TIPS ABOUT... ... NACHTFLUG: no sport shoes, no Jeans, no T-Shirts
allowed ...
http://www.virtualtourist.com/Europe/Germany/Cologne/?s=z&TID=5
More Results From: www.virtualtourist.com
36. Gifts & Holidays
... Lucky little Christmas With a slogan like, "Wear us, **get Lucky**," how could you
resist
any Lucky Brand product? Jeans, tees and more ... snag some for the lucky ...
http://www.planetout.com/shopping/guides/?guide=66
37. : : : Jealous Zone : : :
... can you! Shoot ten such jealous people and you can enter the contest to win some
really exciting prizes from Jealous Jeans! Smoke'em down! **Get lucky**...click on!
http://contests.indiatimes.com/intmed/entertainment/jealous/game.html
38. Welcome to Geek2Chic.com!
... I guess you call it 'off the butt' - jeans so baggy that two or three of ... using
messenger
bags, hey maybe you'll get lucky and your kid will want a few ...
http://geek2chic.com/wear_m/virtualcloset/
39. Urban Legends Reference Pages: College (The Blind Date)
... with the pharmacist about how he plans to "get lucky" that night. When the young
man arrives at ... the young man slips them into the jeans' watch pocket.). ...
http://www.snopes2.com/college/sex/blind.htm
40. Tanney pg. 12
... maybe on this night you'd get "lucky." Optimistic, but irrational. The condom
hadn't ... the
colony parking lot. Brian wore jeans so tight it was possible to ...
http://www.brown.edu/Research/Catskills_Institute/tanney/bungalow12.html



See the top searches of 2001

Yahoo! Travel - book airline tickets, hotel rooms, cruises, rental cars

Search Results

"get lucky" and jeans

Advanced Search
Help

Your search: "get lucky" and jeans

Categories | Web Sites | Web Pages | News

Web Page Matches

41-60 of 2320 | Next 20 >

Search Books!



- "GET LUCKY..."
- Prints and Posters
- Bargain Books

41. [AuctionAddict.com Collectibles- Advertising -Cigarette online ...](#)
... congregate...ad, \$5.50 USD, 6 days. 1962 **Lucky Strike**...**Get Lucky**...ad, \$5.50 USD, 6 days. ... 1975 Winston...Girl in **Jeans** smoking...tied shirt...ad, \$5.50 USD, 6 days.
...
http://auctionaddict.com/perl/urlsrch.cgi?category=Collectibles:_Advertising_-Cigarette
42. [Vietmedia.com](#)
... for men, women and children. **Get Lucky** today! <http://www.luckybrandjeans.com>
(Bidded ... from toddlers to teens. Coats, **jeans**, dresses and more. Shop online ...
<http://www.vietmedia.com/search/?Keywords=Clothing>
43. [Untitled Document](#)
... his hands over mine. "Sometimes, Walter, I **get lucky** and the person I love lets me ... He fumbled with the snap on my **jeans**, pulled his mouth away from mine ...
<http://www.dementia.org/~jacquez/writing/xfict/rol11.html>
44. [More Choices For You - Online Fashion Shopping Made Easy!](#)
... **NEW" Lucky Brand Jeans** Click here to **get Lucky!** The best fit, highest quality **jeans** and apparel for Men, Woman & Kids. Be sure to visit LuckyBrandJeans.com ...
<http://morechoicesforyou.com/>
45. [Hitchhiking Vietnam: Travel Tips](#)
... in it from your favorite (spare) pair of **jeans** to your **lucky** rabbit's foot. By the end of the trip your ... going to make a great story when you **get** home. ...
<http://www.pbs.org/hitchhikingvietnam/travel/travel.html>
46. [COMptia A+ Certification Tutorials From TheComputerNews.Com](#)
... re going to be treated like someone with torn **jeans** and a t-shirt; As a non ... has to say. Sure, some times you'll **get lucky** and walk in, press a button, and ...
<http://www.thecomputernews.com/Tutorials/a+tutorial/lesson32.shtml>
47. [Fat-Guy.com](#)
... yours. But ultimately, if you want to **get lucky**, it helps to be **lucky**. Or just ask for George. ... No **jeans** or sneakers allowed; most gentlemen at dinner ...
<http://www.shaw-review.com/article/articleview/141>
More Results From: www.shaw-review.com
48. [Butch And The Blade](#)
... flames. He might even **get lucky** and drill the driver through ... of the van's momentum to **get** it onto the shoulder ... that he was wearing **jeans**, sneakers, and a nice ...
<http://tsa.transform.to/worlds/tbp/39butchandtheblade.html>
More Results From: tsa.transform.to
49. [Shopseek: Clothing and Apparel](#)
... 9 Click here to **get LUCKY** men's, women's, kids', blue **jeans** from **Lucky** brand (Added: 30-Nov-2001 Rating: 0 Votes: 0) Rate It. ...
http://www.eshoppers.com/links/pages/Clothing_and_Apparel/
50. [Sea Grant Communicators Meeting, Seward--October 2000](#)
... words) and we may **get lucky** and have some sunny, crisp ... brochure (which

you'll **get**
after you register) and ... warm hat, gloves/mittens, **jeans** or slacks (long johns ...
<http://www.uaf.edu/seagrant/Conferences/Seward-reg.html>

51. Curves in Covent Garden, London UK
... looked equally fantabulous with t-shirts and **jeans** (including Gingerbeer!). ... that
you
could hear, should you **get lucky**. As it was the opening night it was ...
<http://www.gingerbeer.co.uk/curves.asp>
52. Wondergirl's Poetry Slam!
... **get** writing GEEKS! Who knows, you might **get lucky**. ... When you kiss me on the
lips I
get a harder on. ... If you were a pair of **jeans** You'd be by Levi Strauss and Co ...
<http://www.mindraper.org/wondergirl/poetryworship.html>
53. Marilyn Pappano - Recent Releases
... Rebel. Hell-raiser. Seducer in blue **jeans**. Ben Foster has been called many
things—except ... a
place where the most unlikely lovers can suddenly **get lucky**. ...
<http://www.marilynpappano.com/recent.html>
More Results From: www.marilynpappano.com
54. Country Midi Concert
... Gotten Good At Goodbye Baby's Got Her Blue **Jeans** On Back In Baby's Arms
Back Street
Affair ... [UP] [DOWN]. I I Always **Get Lucky** With You I Can't Help It If I ...
<http://www.trishe.com/country/country.html>
55. Mr. Dallas - Nightlife Denizens
... panorama of the scene. He may even **get lucky**. ... Mate: The Scissor Girl, if he's
lucky. ... she
is vacuum-packed into her **jeans**. She is exceptionally long-shanked, a ...
<http://guidelive.com/features/mrdallas2000/nightlife.htm>
More Results From: guidelive.com
56. LondonTown.com - The #1 Internet Site for London
... offers shirts for all seasons. For Firetrap **jeans** and Hawaiian shirts check out
Robot ... Loft
(Monmouth St) where you could **get lucky** with John Rocha or DKNY ...
<http://www.londontown.com/articles.phtml?a=shop&p=5>
57. Cinematographer.com Levi's 'Invisible Man' at Digital Domain
... the Invisible Girl's eminently form-fitting Levi's **jeans** and the Invisible Man's
tube socks. Cue ... idea. This was a great idea. You **get lucky** sometimes." ...
<http://www.cinematographer.com/article/mainv/0,7220,117286,00.html>
More Results From: www.cinematographer.com
58. <http://members.aol.com/cowboygreg/personal.htm>
... and boots by choice (if it's not **jeans**, leather, and boots, that is.) I'm ... we've been
together ever since. Sometimes you **get lucky**... and I'm damn **lucky** to ...
<http://members.aol.com/cowboygreg/personal.htm>
More Results From: members.aol.com
59. NFR 2001 - Las Vegas for Visitors
... arena with boots, cowboy hats and blue **jeans**. For those without a ticket, the
bars ... for
the event, but you might **get lucky** and find a few singles online ...
<http://govegas.about.com/library/weekly/2001/aa12012001a.htm>
60. PGG: Weather In The Netherlands
... always be better, or worse, we may **get lucky** and have a warm September. You
don ... to
meet. The average person wears long **jeans**, a t-shirt and some kind of ...
<http://www.strw.leidenuniv.nl/~vdmeulen/deeper/Articles/WeatherNed.html>

YAHOO!
See the top searches of 2001



Search Results

"get lucky" and jeans



Advanced Search
Help

Your search: "get lucky" and jeans

Categories | Web Sites | Web Pages | News

Web Page Matches

61-80 of 2320 | [Next 20 >](#)

[Search Books!](#)

61. [Jean Connection-Lucky.html](#)
... **Lucky Brand Jeans** - made in the USA and ... fly is embroidered with the famous trademark
"Lucky You," making this jean unique ... to choose from, anyone can **get Lucky!** ...
<http://www.jeanconnection.com/LU.html>
62. [Guardian Unlimited | The Guardian | Beside myself](#)
... Did you **get lucky** then on Saturday night?" asked Roxanne. "I beg ... A group of lads in hooded tops and baggy **jeans** have now drifted into my life. They hang ...
<http://education.guardian.co.uk/Guardian/guardianeducation/story/0,3605,490643,00.html>

More Results From: education.guardian.co.uk
63. [Team Building Programs -- Activity Planners, Inc. -- Las ...](#)
... What to Wear Casual clothes - including shorts, **jeans**, sundresses, khakis and T-shirts
- are ... Casinos - If you **get lucky** while playing the slot or video ...
<http://www.activityplanners.com/travel.html>
64. [ayn hunt \(author\)](#)
... gun stuck in the waistband of his **jeans**. "We've got problems." Synder nodded. "Yeah. Hell of a time for old lady Johnson to **get lucky** and find herself a border ...
<http://www.authorsden.com/visit/author.asp?AuthorID=2540>
More Results From: www.authorsden.com
65. <http://www.linwood.demon.co.uk/rp130701.html>
... Robert wore a white t-shirt and blue **jeans**. The stage was quite big and prevented ...
Middle
Eastern theme of "If I Ever **Get Lucky**" as the band took the stage ...
<http://www.linwood.demon.co.uk/rp130701.html>
More Results From: www.linwood.demon.co.uk
66. [FEAR](#)
... SOMEDAY BABY/ IF WE BOTH **GET LUCKY**. ... DO WHATEVER IT TAKES. WE **GET CAUGHT UP IN DREAMS/**
AND ... TOOTHBRUSH/ THREE TEE SHIRTS. SOME **JEANS** BOUT FADED WHITE.
YOUR PICTURE ...
<http://www.ronlasalle.com/lyrics.htm>
67. [Paranoia ?!](#)
... engineered **jeans** poster !!! Is the Levi's LMF **jeans** coming to Singapore soon?! ::
Loy Christopher 12/1 ... a new toy...!! I want to **get** them as soon as possible The ...
<http://kurtmind.blogspot.com/>
68. [Flower lady tries to sell](#)
... on Dixwell Avenue. Annette found her black **jeans** in a pile of student garbage at ...
keep
trying because she "just didn't **get lucky** enough to **get** a job yet." ...
<http://www.yale.edu/ydn/paper/10.25/10.25.95storyno.CA.html>
69. [New Page 1](#)
... into the parking lot of the **Lucky Star** Restaurant and dance hall ... Witt motions for Tug to **get** in. ... is relaxed, wearing work boots, **jeans** and a red flannel shirt ...
<http://www.kcstar.com/projects/justice/part2.htm>

BARNES & NOBLE

- ["GET LUCKY..."](#)
- [Prints and Posters](#)
- [Bargain Books](#)

70. Warning
... up to your belly button!" "Do you wax those **jeans**? I can see myself in them." "Let's ...
you
sleep with me? Hey babe, wanna **get LUCKY**? I'm on fire. Can I run ...
http://www.jbose.clara.co.uk/pick_up_lines.htm

71. Clever Chicks Thongs & Panties
... gee, better wear something sexy, I might **get lucky**" panties (& thongs!), my "I feel ...
out
from the top of my **jeans**" panties (you know, like Monica?)...anyway ...
<http://www.whippedcreambikini.com/Clever%20Chicks%20Thongs%20&%20Panties.htm>

72. Learn how to be a dork in easy steps
... Wrangler **Jeans**: Tight ones. That weird snorting noise that comes ... happenin'
rednecks.
Plus, the rest of us might **get lucky**, and it'll kill you at a young ...
<http://www.juicycerebellum.com/redneck.htm>

73. QUIZ SHOW
... you can be ignorant and still **get lucky**. The 1950s have been packaged as a time of
Eisenhower and Elvis, Chevy Bel-Airs and blue **jeans**, crew cuts and drive-ins ...
http://www.suntimes.com/ebert/ebert_reviews/1994/09/940795.html

74. Daytona Beach CoolJams
... The Race is On, I Always **Get Lucky** with You, He Stopped Lovin Joplin ... On Young
Rascals
- Groovin' ZZ Top - Blue **Jeans** Blues, LaGrange, Tush Zevon, Warren ...
<http://www.daytonamusic.com/cooljams/songlist.htm>

75. Old Habits, New Vices
... he chose to wear, casual blue **jeans** to the finest designer suit. He ... a reasonably
decent number. Maybe he'd **get lucky** tonight. Brian grabbed a beer from ...
http://www.shadowynd.com/~elaynas_den/_ST_Snippets_02.html

76. I Don't Know How To Play Poker
... worried now. He couldn't **get lucky** like that all the time. ... other players were starting
to **get** the hang of the game ... said, with a vengeful gleam. "**Jeans** please!" ...
<http://homepages.ihug.co.nz/~jaelle/poker.html>

77. SRweedenvy
... and there he was...shirtless and in **jeans**, sweating. ::fond sigh:: I love the smell ...
commanded
and I wondered if I'd **get lucky** and **get** what I liked most ...
<http://www.sub-dom.com/trcabbage/SRweedenvy.html>

78. stupid.boy/brilliant.girl
... < > The male is wearing **jeans**, a t-shirt, and a heavy ... It is implying that the wearer
of **Lucky** fragrances, will indeed **get lucky**. I can only assume that ...
<http://www.msu.edu/~john1577/pics/pics5-4.htm>

79. <http://www.hindisong.com/Snip/Snip.asp?SnipTypeID=8>
... public appearances. No Sir, she's comfortable in **jeans** and a jacket, thank you.
She says that ... s doing a couple of other projects too. Will **Lucky get lucky**? ...
<http://www.hindisong.com/Snip/Snip.asp?SnipTypeID=8>

80. New York Metro: EdificeRex: Dining
... after yours. But ultimately, if you want to **get lucky**, it helps to be lucky. ... The
Rules: No **jeans** or sneakers allowed; most gentlemen at dinner wear ...
http://www.edificerex.com/content_areas/content_detail.asp?contentId=2934&genreID=30

61-80 of 2320 | [Next 20 >](#)

[Categories](#) | [Web Sites](#) | [Web Pages](#) | [News](#)

EXHIBIT E

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relies, Inc



P-1290

A22

Get

Only at Bloomingdale's
Introducing LUCKY 100
low-rise large print
wash slacks only
66.00, Lucky 100
in white cotton
22.00, in 1/2" elastic
59th Street or 1/2" elastic
or make an appointment
please call 212/705-3939
To order toll free
1-800-555-5192
#N920 9.99 only
allow 2-3 weeks

bloomingdale's

U.S. Issues Guid

DOCTORS WANT TO
The American Medical Association and its members are not alone in their quest for making it easier for patients to band together and form health co-ops, and other arrangements to compete with insurance companies and health maintenance organizations.

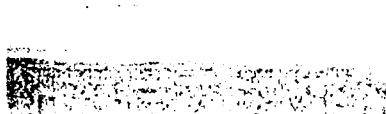
Doctors' organizations now often are working to form a "contract" with employers to form the same networks. They want to agree on prices for services. The Supreme Court has ruled that such agreements are not so harmful to competition that they should be automatically illegal, regardless of their purpose.

Robert D. Pinsky, chairman of the American Medical Association, and a former chairman, Assistant Attorney General in charge of the antitrust division of the Justice Department, said the new guidelines would not require at least a yellow flag on any arrangements in which doctors agree on rates of fees. Doctors can now that the agreement benefits consumers.

Increasingly, doctors want to band together and sell their services to employers without using an insurance company or an H.M.O. as an intermediary. By forming their own health co-ops, doctors say, they can keep more of the medical decision-making and keep more of the income they generate. Doctors have been financially squeezed as more and more patients join H.M.O.'s and other managed care plans, which rein in costs by tightly controlling payments to health care providers.

Doctors contend that physician

ARE TAKING OFF
THIS LABOR DAY WEEK
30%-70% OFF





First Name	
Last Name	
Age	
Gender	
Zip Address	
Apt. #	
City	
State	
Zip	

Gifts & Holidays

Last-minute gifts

Well, you waited for the last minute to do your holiday shopping again, did you? Don't panic! Here are some painless ways to fulfill everyone's holiday wishes. New twists on old standbys like the ubiquitous robe, as well as more daring apparel and accessories, are just a few clicks away. Don't miss all that Kleptomaniac has to offer your loved ones this holiday season.



"Nico and Dani" on VHS or DVD

One of the benefits of your tardiness: You can buy the just-released "Nico

and Dani." One of the sexiest and most charming films of the year, "Nico and Dani" tells the story of a boy who falls in love with his best friend. Might we suggest getting it for that special friend you always had a crush on?

BUY IT

Also in Gifts/Holidays

- [Queer as Folk survival guide](#)
- [Groovy guy gifts](#)
- [Great gifts for her](#)
- [Great gifts under \\$30](#)



Login Now

Member Name:

Password:

[Forgot login/password?](#)

Not a member?

JOIN NOW! [GO](#)



U.K. "Queer as Folk" 2-pack

So steamy it makes the U.S. version look rated G! The two series combined contain over six

hours of unrated sexual shenanigans from the boys of Manchester. How can you definitively say which is better unless you've seen them both? Get the bundled set for just \$79.95 on DVD or VHS!

BUY IT

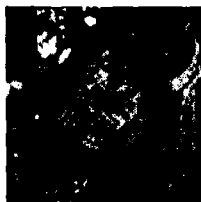


Know any Nancy Boys?

Nancy Boy has a full line of beauty products -- hair and skin care as well as eye cream and other

potions and lotions -- formulated to make you look your best. All gift sets come in a cute gift bag with added goodies.

BUY IT

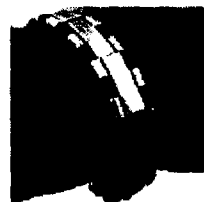


Hedwig and the Angry Inch

Another new release, "Hedwig" marks the rebirth of the rock musical. A botched sex-

change operation leaves poor Hedwig with just an inch (wouldn't you be angry, too?). Already the biggest cult hit since "Rocky Horror Picture Show," this makes a great gift for any lover of camp, musicals, drag or just plain fun. Get it for just \$24.95 on DVD.

BUY IT



What's the frequency, Kenneth?

For the fashion conscious, who can resist these chic (and reasonably

priced) Kenneth Cole accessories?

BUY IT



RIPS: Sexy gifts

Imagine the look on his face when he *rips* open these arousing articles!

BUY IT

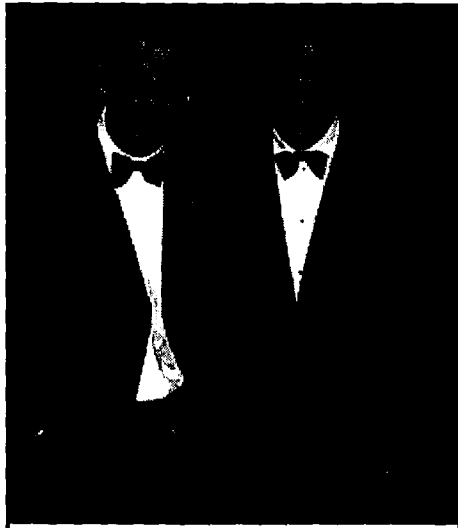


Have yourself a Lucky little Christmas

With a slogan like, "Wear us, get Lucky," how could you resist

EXHIBIT F

Lucky Brand Dungarees



**Gene Montesano and Barry Perlman
co-owners of Lucky Brand Dungarees.**

Lucky Brand Dungarees, established in 1991, is the brainchild of Gene Montesano and Barry Perlman, co-owners and friends for over 25 years. Both founders have a long history in denim manufacturing and retailing dating back to 1972 when they started their first jeans stores called Four Way Street in Miami, Florida.

The Lucky Brand label has become one of the hottest American denim brands with a sense of humor evident in its trademark "Lucky You'll Fly" Much care is taken with each pair of jeans featuring unique touches not often seen in today's age of mass production. This high quality brand boasts premium denim fabrics with innovative washes and finishes. The superior style and fit of the product make Lucky Brand product appealing to men and women from ages 15 to 55. In addition to jeans, Lucky Brand produces a full collection of

sportswear, activewear, outerwear, accessories and fragrances for men, women and children.

Lucky Brand products are sold in a select group of high-end department stores including Bloomingdale's, Nordstrom, Neiman Marcus, and Dillard's and in better specialty stores including Jockey and Lord & Taylor. Additionally, the company sells its products through its website luckybrandjeans.com and through its own retail stores now situated in California, Arizona, Illinois, New Jersey, Florida, New York, Washington, Virginia, Missouri, Massachusetts, Pennsylvania and Colorado. Each Lucky Brand store possesses its own individual feel with one-of-a-kind artistic elements which make it distinct and friendly to the town or neighborhood it resides in.

Lucky Brand runs creative and eye-catching print ads in such national publications as GQ, ESQUIRE, SEVENTEEN, ELLE, VANITY FAIR and IN STYLE. Lucky Brand images are also featured on bus benches, billboards, wrap buses and painted walls located in major national cities. Lucky Brand promotes the brand within the entertainment industry by sponsoring film festivals such as AFI Los Angeles International Film Festival and the Clanton Barbara International Film Festival. Additionally, Lucky Brand product has been featured in such prime time television shows as *Elaborate Lives*, *Buffy the Vampire Slayer* and in such major motion pictures as *McMafia*, *Twins* and *Jackie Brown*.

In 1996 the Lucky Brand Foundation was created to help disabled and disadvantaged children. It has been a longtime goal of Lucky Brand founders Gene Montesano and Barry Perlman to help bring happiness and hope to those less fortunate. It is their belief that contributions made by the Foundation will and have truly impacted the quality of life and well being of children and hopefully made a difference in their lives. Through money raised at its annual "**Black Tie & Blue Jeans Gala**" and other fundraising efforts, the **Lucky Brand Foundation** from 1996 through 2000 has been able to make contributions totaling over \$2 million dollars to numerous organizations such as ORALINQUA ISLAND DOLPHIN CARE, SHANE'S INSPIRATION, and THE BRIDGE SCHOOL.

LUCKY INFO...

**LUCKY'S CORPORATE
INFORMATION**

**THE LUCKY BRAND
FOUNDATION**

LUCKY NEWS

EXHIBIT G

The closest place to GET LUCKY
is right here in LUCKYVILLE,
just click on the button above



WHERE TO GET LUCKY Try our Lucky Store Locator

Page 1 of 4

1/1/2002

Click HERE for the LUCKY
Store Locator
Map of the USA with the Lucky Store Locator

Alene, Inc.
6006 S.W. 18th St. #5
Boca Raton, FL 33433
Phone:

Bgb Womens Boutique
228 S. University Dr.
Plantation, FL 33324
Phone:

Cote D'azur Sport
4441 Collins Ave.
Miami Beach, FL 33140
Phone:

Down East
538 Park Ave. S.
Winder Park, FL 32789
Phone:

Eileen B.
18791 Biscayne Blvd.
Aventura, FL 33180
Phone:

Eisenlohr Company
7401 N.W. 8th St. Unit #H
Miami, FL 33126
Phone:

Ete Stores, Inc
530 Lincoln Rd
Miami Beach, FL 33134
Phone:

Exit Art
5380 Gulf Of Mexico
Longboat Key, FL 34228
Phone:

Foxy Lady
209 Beach Rd.
Sarasota, FL 34242
Phone:

Ingear By Cindy
2000 W. Glades Rd. #106
Boca Raton, FL 33431
Phone:

Jim Ball Inc.
922 Highway 98e
Destin, FL 32541
Phone:

Kidazzle / Lulu
3013 Yamato Rd. B-5
Boca Raton, FL 33496



Phone:

Leos Mens Store

300 Mary Esther Blvd #53
Mary Ester, Fl 32569
Phone:

Lucky Brand

6000 West Glades Road
Room 1210
Boca Raton, FL 33431
Phone: 561.361.6429

Lucky Brand

19501 Biscayne Blvd.
Miami, FL 33180
Phone: 305-792-9695

Lucky Brand

Shops at Sunset Place #C06
South Miami, FL 33143
Phone:

Lucky Brand

International Plaza
2223 N. Westshore Blvd. Space #222
Tampa, FL 33607
Phone: 813.353.1102

Lucky Brand

323 Park Avenue
Winter Park, FL 32789
Phone: 407.628.1222

Mario Pucci

2226 Weston Rd
Weston, Fl 33326
Phone:

Mile High

19575 Biscayne Blvd. #591
N. Miami Beach, Fl 33180
Phone:

Miss Charlotte's

2429 Thomas Drive
Panama City Beach, Fl 32408
Phone:

Offbeat, Inc.

1035 Washington Ave.
Miami Beach, Fl 33139
Phone:

Pairs Of Wellington Inc.

13873 Wellington Trace
Wellington, Fl 33414
Phone:

Prima Free Trade Cancun S.A.

Av. Nader No. 120-B Mz 7 Sm3

Cancun, Fl 77500
Phone: (305) 863-6311

Pygmalion Btq.
5832 Sterling Road
Hollywood, Fl 33021
Phone:

Rani's Boutique
3432 Main Highway
Coconut Grove, Fl 33133
Phone:

Rhythm
107 N. Olive
West Palm Beach, Fl 33401
Phone:

Rosenblum's
5500 San Jose Blvd.
Jacksonville, Fl 32207
Phone:

Sassy Two Inc.
2441 N.W. 43rd St. #21
Gansville, Fl 32606
Phone:

Surfer Girl
922 Highway 98e
Destin, Fl 32541
Phone:

Surfer Girl
922 Hwy 98 East
Destin, Fl 32541
Phone:

Teen Angel
3731 N. 55 Ave.
Hollywood, Fl 33021
Phone:

The Buckle
5100 North Ninth Ave.
Pensacola, FL 32504
Phone: 850-473-1007

The Ete Stores, Inc.
530 Lincoln Rd.
Miami Beach, Fl 33139
Phone:

Threads Inc.
5421 Shridan Street
Hollywood, Fl 33021
Phone:

Tooley Street
922 Highway 98e.
Destin, Fl 32541

WHERE TO GET LUCK

Try our Lucky Store Locator

Page 4 of 4

Phone:

Tupelo Honey

3585 N.E. 207th St.

N. Miami Beach, Fl 33180

Phone:

Tupelo Honey

Space #509

Miami, Fl 33176

Phone:

Unika

3444 Main Hwy #2

Coconut Grove, Fl 33133

Phone:

Venus & Mars

Destin, Fl 32541

Phone:

Weston Apparel

3565 Ne 207th Street

N. Miami, Fl 33180

Phone: (305) 935-9415

BACK TO TOP

CLICK HERE
FOR LUCKY
BRAND STORES
ACROSS THE USA

LUCKY

The closest place to GET LUCKY
is right here in LUCKYVILLE.
Just click on categories above

Bodytalk, Inc.
51 E. Main Street
Avon, Ct 06001
Phone:

Ebz Sales
1057 High Ridge Rd.
Stanford, Ct 06905
Phone:

Havana Jeans
1057 High Ridge Rd
Stamford, Ct 06905
Phone:

Island Tastes
152 Thimble Islands Rd.
Stony Creek, Ct 06405
Phone:

La Moda
1434 Post Rd.
Fairfield, Ct 06430
Phone:

Lucky Brand
49 Main Street
Westport, CT 06880
Phone: 203-222-8364

Nordstrom
600 Westfarms Mall
Farmington, CT 06032
Phone: 860-521-9090

Parker East Dry Goods
420 Main Street
Richfield, Ct 06877
Phone:

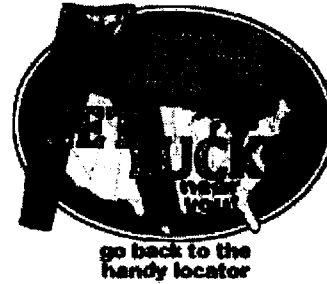
Pollacks
976 Farmington Ave.
West Hartford, Ct 06107
Phone:

Raggs
1020 Chapel St
New Haven, Ct 06510
Phone:

Threads
2456 Whitney Ave.
Hamden, Ct 06518
Phone:

Togs
66 Elm Street
New Canaan, Ct 06840
Phone:

BACK TO TOP



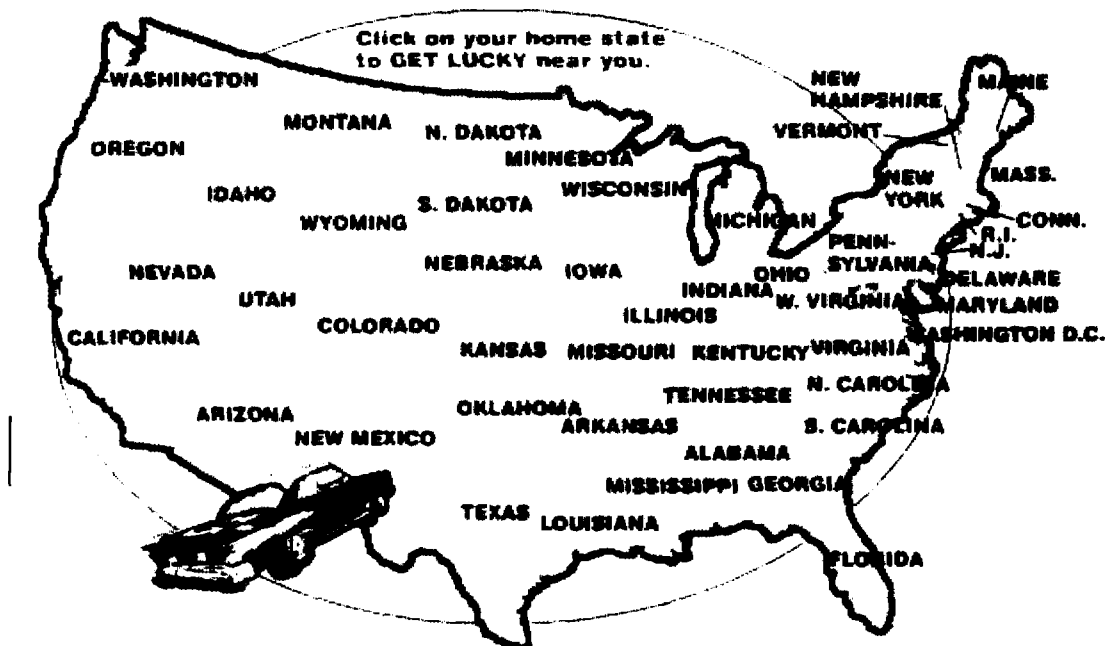
CLICK HERE
FOR LUCKY
BRAND STORES
ACROSS THE USA

Where to get Lucky by S

Page 1 of 1

Where? **LUCKY** to get

GET LUCKY near you...



[checkout](#) | [view cart](#) | [guest services](#)



buckle



[Men](#) | [Women](#) | [Wish List](#) | [Style Center](#) | [Company](#)



Men

[New!](#)

[Jeans](#)

[Khakis & Cargos](#)

[T-Shirts](#)

[Shirts](#)

[Sweaters](#)

[Sweatshirts](#)

[Footwear](#)

[Outerwear](#)

[Hats](#)

[Boxers & Sleepwear](#)

Women

[New!](#)

[Jeans](#)

[Novelty Bottoms](#)

[Skirts](#)

[Khakis & Cargos](#)

[Tops](#)

[Sweaters](#)

[Sweatshirts](#)

[Outerwear](#)

[Footwear](#)

Everyone

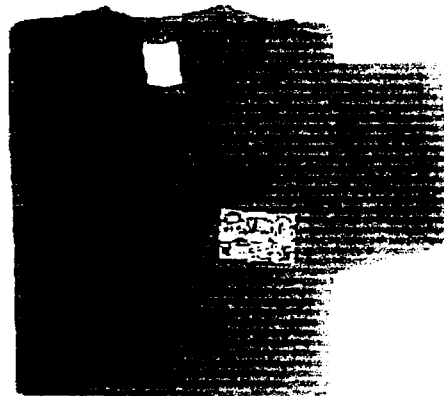
[Buckle Gift Cards](#)

[Footwear Unisex](#)

[Watches](#)

[Accessories](#)

[Apply for Buckle
Credit Online!](#)



Lucky "Get Lucky Now" T-Shirt

Lucky t-shirt with front left chest and back detailed screen-print design in misty blue and white on a navy blue t-shirt. Made in the USA.

*Due to computer monitor differences,
the colors shown may not be exact.

[home](#) . [comment card](#) . [site map](#) . [free newsletter](#) .

[store finder](#) . [buckle card](#) . [be a buckle affiliate](#) .

[company contacts](#)

10. The comments and opinions expressed in student organization pages are strictly those of the page authors. The contents of the various pages have not been reviewed or approved by the College of St. Benedict / Saint John's University.

Fight Against Discrimination

Asian Americans have been called the "Model Minority," which implies that we will not go against the grain. But stereotypes of Asian cultures are still prevalent in mainstream society, and members of the mainstream seem to expect their "Model Minority" to just sit idly by and let them make a mockery out of our cultures. Here are a few examples of how stereotypes and prejudice still exist.

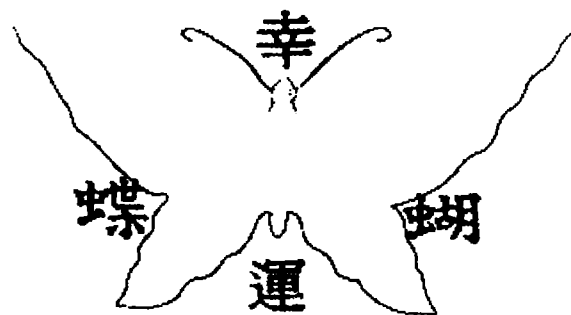
1. We click on the appropriate links and let the decision makers know how you feel!

For almost a year now, Lucky Brand Jeans has been marketing their clothing line using the image of a laughing Buddha with slogans such as "Get Lucky!" with a cartoon of a reclined laughing Buddha rubbing his belly, and the latest, "May Luck Spring Upon You," portraying a Buddha wearing jeans, jumping on a pogo stick. When I saw this, I sent an email to the customer service department of Lucky Jeans stating that I found their use of cartoons depicting the Buddha tokenizing to Buddhism, and, indirectly, Asian cultures. Below, you will find the latest images from **www.luckybrandjeans.com** along with the response from the Customer Service Manager.

© "Kogi" Samangil, Asia Club Chair, 2000-01

1. View directly from the Lucky Jeans website, **www.luckybrandjeans.com**.

May Luck Spring Upon you



MIZRACHI AFF. + EXHIBITS A+B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-7495-CIV-DIMITROULEAS

MARCEL FASHION GROUP, INC.,
a Florida corporation,

Plaintiff,

v.

LUCKY BRAND DUNGAREES, INC.
A Delaware corporation, and
FEDERATED DEPARTMENT STORES, INC.,
A Delaware corporation,

Defendants.

DECLARATION OF EZRA MIZRACHI

Pursuant to 28 U.S.C. §1746, I, EZRA MIZRACHI, hereby declare, certify, verify and state under penalty of perjury that the following declaration is true and correct. This Declaration is based upon direct and personal knowledge, and if called as a witness, I could and would testify competently thereto.

1. I am owner of Marcel Fashion Group, Inc. ("Marcel"), the Plaintiff in the above-styled action.

2. Since at least 1985, Marcel has been using the trademark "GET LUCKY" in commerce, and was issued U.S. Trademark Registration No. 1,377,345 for clothing, namely, men's and women's jeans and t-shirts; baby clothes, namely t-shirts, short sets comprised of tops and shorts, pant sets comprised of tops and pants, and rompers.

3. The "GET LUCKY" mark has been in continuous use by Marcel since at least 1985, and there has been no period in which use of the "GET LUCKY" mark has been interrupted. There has never been a period of non-use. The "GET LUCKY" mark is known for high quality goods, and the goods sold under the mark are well known in the industry to emanate from Marcel.

4. Our U.S. Trademark Registration was cancelled due to the technical need for filing an Affidavit of Continued Use, a Section 8 Affidavit. However, we have continued use of the "GET LUCKY" mark since 1985 and have made sales in virtually every state in the United States.

5. Marcel has attended several trade shows each year since 1985, exhibiting goods under the "GET LUCKY" trademark. Attached as Exhibit A are letters from various trade organizations where we have exhibited and sold goods under the "GET LUCKY" trademark since 1985, and in support, include a copy of the show program which evidences our attendance as an exhibitor under the "GET LUCKY" mark.

6. Marcel primarily advertises its goods through these various trade shows. A list of the shows that we attend and have attended is attached as Exhibit B. Marcel makes substantial sales through contacts made at these trade shows.

7. I have encountered increased numbers of potential customers who contact me at these shows, or by telephone, who inquire as to whether Marcel is actually Lucky Brand. When I inform them that Marcel is not associated, sponsored, or affiliated with Lucky Brand, I often lose the customer, and have been often told by the potential customer that I am likely to be sued by Lucky Brand for using their name. This occurrence is becoming quite common, and occurs at virtually every trade show.

8. I was not aware, until 1998, that Marcel's federal registration was cancelled due to a technicality. So in 1998, Marcel filed a new U.S. Trademark Application for the "GET LUCKY" mark, and has relied on its priority date of 1985. The application was approved by the United States Patent and Trademark Office, and was published for opposition.

9. Once Marcel's application became public record, I received a cease and desist letter from an attorney named Gary Nelson, Esq. from the law firm of Christie Parker & Hale. I was instructed to cease and desist any further use of Marcel's very own 'GET LUCKY" mark, because Lucky Brand was using the mark also. Mr. Nelson, Esq. demanded that Marcel immediately withdraw our application, and terminate all uses of the term "GET LUCKY." Furthermore, I was instructed to remove from inventory all clothing containing the "GET LUCKY" mark. (Motion Exhibit B).

10. In or around late December 1998, after receiving the cease and desist letter for Mr. Nelson, Esq., I called him to tell him that Marcel and I have been using the mark since 1985, almost thirteen years before I was contacted by him. I told him that I had a registration. After informing Mr. Nelson, Esq. of my rights in the name, he told me to get a lawyer and that he could no longer speak to me. I did not hear from Mr. Nelson, Esq. again.

11. In or around May 1999, Lucky Brand filed a Notice of Opposition with the United States Patent and Trademark Office. The basis for Lucky Brand's opposition is that Marcel's use of the "GET LUCKY" mark is likely to be confused with Lucky Brand's use of the identical mark on identical goods.

12. Lucky Brand admitted that they could not have used the "GET LUCKY" mark prior to 1990, because the company had not yet been formed. (Motion Exhibit C, pg. 2, footnote 1).

13. Since Marcel has used the mark since 1985, Lucky Brand, by its own admission could not have used the mark first.

14. Marcel has never permitted nor licensed Defendants' use of the "GET LUCKY" mark.

15. Marcel is not affiliated, connected, or associated with Defendants, nor has Marcel originated, sponsored, or approved of Defendants' use of the "GET LUCKY" mark.

16. I have become more aware of Defendants' use of Marcel's "GET LUCKY" trademark in national magazine advertisements, bench ads throughout Miami, and an increasing presence on the Internet, including Lucky Brand's website, www.luckybrandjeans.com. Lucky Brand prominently features Marcel's "GET LUCKY" mark on its website, such that in parts of the website, Marcel's "GET LUCKY" mark is dominant over the "LUCKY BRAND" mark. (Motion Exhibit G). Defendant Lucky Brand has saturated the market with its use of the "GET LUCKY" mark such that it is virtually exclusively known by the "GET LUCKY" mark on the Internet. A search on yahoo.com has revealed literally dozens of web site hits directed to Defendant Lucky Brand when merely entering the words "get lucky" and jeans" in the search engine. A copy of the Internet search is attached as Motion Exhibit D.

17. Defendants have so saturated the market with its advertisements under Marcel's "GET LUCKY" mark that Marcel is confronted with an increasing confusion in the marketplace. Lucky Brand is now becoming more known for Marcel's "GET LUCKY" mark due to their extensive exposure and advertising.

18. Marcel has experienced greater difficulty in expanding its market because of the frequent comments relating to the perceived association between Marcel and Lucky Brand, and the

perception that Marcel is "knocking off" Lucky Brand and attempting to capitalize on Lucky Brand's goodwill. Such a perception is causing Marcel substantial damage.

19. Marcel's reputation is suffering as a result of Defendants' use of the "GET LUCKY" trademark on virtually identical goods, and since Lucky Brand has opposed Marcel's right to register the mark, Marcel has no choice but to defend its rights in this action, or lose the remaining goodwill in its mark to Lucky Brand.

20. Marcel continues to suffer an erosion of its goodwill in the marketplace, despite over 16 years of continued use.

Under the penalty of perjury, I declare that I have read the foregoing Declaration and the facts stated herein are true and correct to the best of my knowledge and belief.

Dated: January 4, 2002.


EZRA MIZRACHI

G:\WPFILES\gm\lg\EZRA DECLARATION

MIZUACHI AFF. EXHIBIT A



Date: October 21, 2001

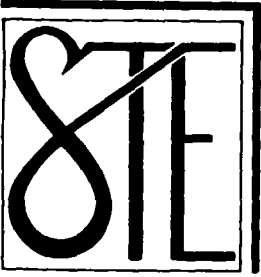
To: Whom It May Concern

This is to advise you that Ezra Mizrachi has been participating in both our Miami/Fort Lauderdale shows and our West Coast shows five times a year since 1980. He has been registering the names "Get Lucky" and "Marcel Fashions" in every show since 1985. I am unable to locate our 1985 and 1986 show directories, but I have included pages from our January 1987 show book which verify his use of these names.

Please let me know if you need additional verification of his usage of the names "Get Lucky" and "Marcel Fashions". I would be happy to cooperate in any way possible.

Sincerely,

Donna Skinner
Show Director



December 12, 2001

Mr. Ezra Mizrachi
394 NW 24th Street
Miami, Florida 33127

Dear Ezra:

We have researched your request and find that you have been showing the line 'Get Lucky' since August 1985. I have enclosed a copy of the cover and listing from the August 1985 show. It clearly shows that you had the line that far back.

Let us know if there is anything else you need.

Most sincerely,

A handwritten signature in cursive script, appearing to read 'Dot'.

Dot Bissell
Executive Director

Enclosures: 3 copies of August 1985 cover and listing

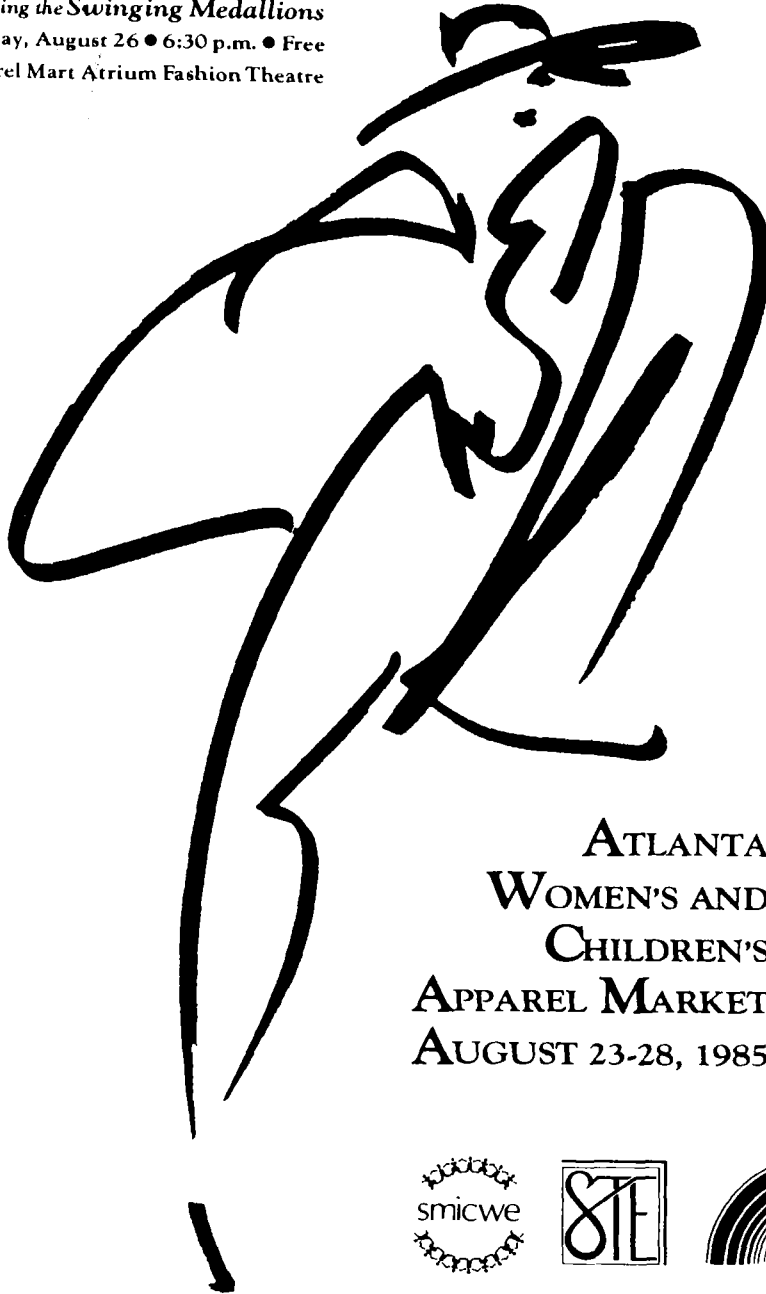
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APPAREL MARKET
AUGUST 23-28, 1985



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SPORTSWEAR/J "ORS

STE Members	fold type
Non-Member	light type

Cheeno's 3N 319B
STEVE JACK

Checkmate 2W 358

Chego/Sweats 7W 361B

Chennachi 2E 322

Cherokee Jrs. 3N 205

Cherokee Jrs. 1- 529
DALE LEE PICHARD

Cherokee Sweaters 3E 320

Chic by h.i.s 2W 357

Chinese Laundry 2W 361

Chinese Laundry 2W 361A

Chris Ann-Cotton
Swtrs.Domest. 2N 310
STANLEY D. GOLDSTEIN

Climax 1- 116
MIKE BRAMBLETT

Clifton Place Knits 2W 360A

Collage 2N 315

Colleen Toland Sweaters 1- 506
COLLEEN TOLLAND

College-Town 2N 319
LEONARD SCHECHTER

Color Me Cotton 2E 320
ROY & DORIS HOUCHINS

Coqui 2N 312
GREG DIAL

Coqui Too 2N 312
GREG DIAL

Cotton Raves 1- 404
TED L. RAVELO

Crazy Horse 2W 221

Crescendo 5W 120
THE GOLDSMITH

Cty Action Sportswear 1- 629
DON LANGMAN

Cyrous Int'l Fashions Co. 1- 1204
BARBARA STOLZER

Daddy's Girl 2E 320
ROY & DORIS HOUCHINS

Daily Habit 2E 322

Dakine 2E 320
ROY & DORIS HOUCHINS

Dance Sheik 1- 607 *
JOE CASTELLANOS

Decouve 2N 102

Dee Cee For Gals 2E 106

Del-Rio-Vecarro Jeans 1- 516
DENNIS RUST

Designs by Yankee Doodle 1- 534
VICKI EMBREE

Deva 1- 619
DON SCHMIDT

Dotti 3E 329

Doyle 1- 213
SUSAN FRYE

Dragon Fly 2E 320
ROY & DORIS HOUCHINS

Dragon Lady 4E 335B
MITCH YASHIN

Dust 2E 320
ROY & DORIS HOUCHINS

E-Z Street-Melrose 1- 119
RON BRAMBLETT

EZ Street 2W 358

Eber San Francisco 2N 307A
NAT CHESIN

Emanuelle 2W 119
MICHAEL CORENBLUM

Emcee Enterprises of GA 1- 404
TED L. RAVELO

Enchante' 2W 358

Eve's Leaves 1- 213
SUSAN FRYE

Exclusive Imports Sweaters 2N 310
STANLEY D. GOLDSTEIN

Exit Paris 4S 117B

Feranda of Brazil 5E 109

Ferrarie 1- 528
ALEX BAJRECH

Fil-Pride 1- 404
TED L. RAVELO

Filet 2W 365B

Filippo-Totti 2E 322

Flamingo 1- 119
RON BRAMBLETT

14 kt. Gold & Gold Filled 1- 214
C.F. PETE MEGELIN

Fratello 1- 623
RAY BIRD

Gailord Classics Blouses 2N 310
STANLEY D. GOLDSTEIN

Garland 2N 306

Garron 1- 623
RAY BIRD

Garron 2W 363B

Gasoline 2W 363B

Georgiou 4W 221
DAN BARTON

Gertrude Davenport 3E 325A
KEN KLEITMAN

Get Lucky 1- 622 *
EZRA MIZRACHI

"Get Wet" Swimwear 1- 621
JOSEPH BERGER

Get-Wet Swimwear 1- 623
RAY BIRD

Giacomo Tangas 1- 528
ALEX BAJRECH

Globetrotter 1- 623
RAY BIRD

Gloria Vanderbilt Knitwear 3S 112
EDWARD K. JOHNAKIN

Gloria Vanderbilt Sportswear 2S 344

Golden Touch Imports 3E 321A
JULES B. STONE



Michael B
Atlanta Appa

STE Members in bold type
Non-Members in light type

V 104	Fashions By Hugo	1- 720
V 209	Feelin' Jazzie Missy Petites	2N 302
V 209	Feelin' Jazzie	2N 302
V 104	Felicity	5E 112
347A	Felicity	5S 113
	Felina Imported Bras	1- 537
- 122	Fem-Form	2W 219
- 122	Femelle Fashions	1- 211
353A	Femilet	5W 372A
103	Feralli	4W 371
325B	Feranda of Brazil	5E 109
347	Ferrara Sport lg. sizes	1- 306
1204	Ferrarie	1- 528
268	Fields Hat Co.	6S 347B
268	Fieldstone Boys Dress Coats	7S 359A
27B	Fielston Boy's Coats	7W 366A
336	Fit-Pride	1- 404
105	Filet	2W 365B
111	Filet	2W 363A
310	Filippo-Totti	2E 322
202	Finale Gloves	5N 307A
639	Fingerprints	6W 374
213	Fiora Designs	4W 361
636	Florentini	5S 113
334	Florentini	5E 112
106	First Class Handbags	6S 117
72A	First Lady	6S 347A
310	First Lady Originals Ltd.	4E 335A
7A	Fischel by Johnston Inc.	7S 358
7B	Fischer Racquets	6E 336B
98	Fix-Play Displays	3W 376
08	Flagg Etc.	1- 110
10	Flagg Petites	1- 110
00	Flair of Miami	1- 110 & 1- 215
04	Flamingo	1- 119
35	Flamingo - Julie	1- 728
58	Fleurishes	4N 207
	Flexatard, Inc.	6E 322B
	Flirtations	5N 311
	Flora Jewelry and Belts	4S 346A
	Flora Jewelry, Inc.	4S 346A
	Flora Kung Dresses	4N 301
	Flora Kung Loungewear	4N 301
	Flora Kung Petites	4N 301
	Flora Kung Sportswear	4N 301
	Florelle Jewelry	6N 301
	Florence Eiseman	6W 375A
	Florian Fashions Inc.	5S 345B
	Flourishes	4W 369
	Folio by Fire Islander Woman	3W 221
	Folio by Fire Islander Petites	3W 221
	Folio by Fire Islander	3W 221
	Fontaine Petites	5N 319B
	Footwear Unlimited	6S 341
	For Me	3S 340
	For Seasons	1- 816
	Ford Beckman	7E 326B

MANUFACTURERS

continued

	Formaid Co. (chicas) - Florida	1- 610A
	Four Seasons Handbags	6N 308A
	Four Seasons Handbag Co.	6W 120
	Foxcroft Shirts & Sweaters	3E 327A
	Frajo Belts	1- 322
	Frame Shorter Sportswear	6E 333A
	Frances Henaghan	4S 112
	Franco Pugi Handbags	6S 356
	Frank Masandrea	4E 109 & 4E -331
	Frank Rifas Jewelry	1- 418
	Frank Young	4E 106
	Franklin	6E 112B
	Franklin Court	6E 108B
	Franklin Packaging	2W 361B
	Fratello	1- 623
	Frederick David	2W 349 & 2S 347
	French & Stanbury	6E 321
	French Jewelry Designs	6N 306A
	French Rags	5N 302
	Frenzy by McKenzie Bend	2W 363A
	Fresh Ideas Large Sizes	3N 303A
	Fresh Ideas Lg. Sizes	3N 303A
	Friemanit	7W 375
	Friendship Collection	6S 357B
	Frik & Frak	6W 363B
	Fritzi of California	2N 205
	Frog Pond	7W 360
	Frog Pond	7W 466
	Frog Pond Appliqued	
	Separates	3E 321B
	Funny Bunny	7S 117
	Funtasia Too!!	7S 117
	Fur Pleasure	1- 426
	Furrage Fake Furs	4E 334
	Furs Unlimited	1- 426
	Fuzzi Fuzzi	5W 375

G

	G.R.S.	5W 119
	G.T. of Boston (Bottoms)	3E 321B
	Gabriella Handbags	6S 117
	Gallord Blouses	1- 108
	Gallord Classics Blouses	2N 310
	Gala Fashion Access.	6S 343B
	Galante	07 H05
	Galaxy	1- 723
	Gales of Florida	1- 101
	Gamine Hosiery by Easton	6E 112B
	Garland	2N 306
	Garron	1- 623
	Garron	2W 363B
	Gary Allen	3N 207
	Gary Gail Belts & Accessories	6W 124
	Gasoline	2W 363B
	Gates	4W 463

STE Members in bold type
Non-Members in light type

	Gavora	1- 611
	Gavroche	7W 365A
	Gay Boyer Accessories	3N 313
	Gay Boyer Fashions	3N 313
	Gayle Evans	3S 114
	Geiger of Austria	4W 365A
	Gem	5N 306A
	Gemelli	4E 108
	General Leathers	2N 303
	Generation One	7N 319B
	Generra Sportswear	6E 323B
	Genesis	2W 223
	Genesis handbags	6N 308A
	Genevieve for Pakula	1- 526
	Geoffery Beene Blouses	4S 115
	Geoffery Beene Sweaters	4S 115
	Geoffrey Beene	7E 337A
	Georgee	5S 340
	Georgee	4E 109 & 4E -331
	Georgee Originals	1- 424
	Georgio	6W 371
	Georgio Sant Angelo Swimwear	4W 215
	Georgiou	4W 221
	Gerson Costume Jewelry	6S 345B
	Gerson Silk Flowers	6S 345B
	Gerson Sunglasses	6S 345B
	Gertrude Davenport	3E 325A
	Get Lucky	1- 622
	"Get Wet" Swimwear	1- 621
	Get-Wet Swimwear	1- 623
	Giacomo Tangas	1- 528
	Gian Franco	5W 361A
	Gianelli	6S 351
	Giant Umbrella	6W 373B
	Gideon Oberson	4N 208
	Giftwrap	1- 212
	Gil Aimbez	4E 110
	Gilbert Gear	1- 811
	Gilda Marx Swimwear	6E 322B
	Gilead	5E 321A
	Gininne-Sweaters	4N 206
	Gino Rossi	1- 410
	Gino Terini	6W 370
	Giorgio Sant' Angelo	4N 209
	Giovanna	6E 330
	Giovanni Sportswear	1- 516
	Gitano	2E 108
	Gitano II	2E 108
	Gitman Bros	4W 462
	Giulliana	5W 119
	Giuseppe	5W 119
	Givenchy	1- 204
	Glacier Sun Glasses	6E 336B
	Glatter & Sims	5N 315A
	Glenisla	6E 110A
	Glitter of New York	4E 327B
	Global Imports	1- 717

MIZRACHI AFF. EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-7495-CIV-DIMITROULEAS

MARCEL FASHION GROUP, INC.,
a Florida corporation,

Plaintiff,

v.

LUCKY BRAND DUNGAREES, INC.
A Delaware corporation, and
FEDERATED DEPARTMENT STORES, INC.,
A Delaware corporation,

Defendants.

PLAINTIFF'S INITIAL RULE 26 DISCLOSURES

Plaintiff, Marcel Fashion Group, Inc. ("Marcel"), by and through its undersigned counsel,
file their Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

1. These disclosures supplement Plaintiff's Response to Defendants' First
Interrogatories. The following individuals or entities are known to Marcel to be likely to have
discoverable information relevant to the various trade shows that Marcel has attended in
furtherance of the sale of its goods since 1985:

- a. S.A.E. / S.S.E.
Ft. Lauderdale/Miami
(888) 249-1377
- b. SURF EXPO
Orlando, Florida
(687) 781-7900

- c. S.T.E.
Atlanta, Georgia
(800) 948-6743
- d. W.W.D./MAGIC
Las Vegas, Nevada
(818) 593-5000
- e. WIN
Las Vegas, Nevada
(702) 270-4651
- f. DALLAS MARKET CENTER
Dallas, Texas
(214) 655-6202
- g. THE INTER FASHION BOUTIQUE SHOW (FEMME)
(917) 326-6237
- h. T.S.C.
San Juan, P.R.
(787) 781-3050
- i. AMERICA'S MART
Atlanta, Georgia
(404) 220-3000
- j. CHICAGO MERCHANDISE MART
(312) 527-6011
- k. LOS ANGELES APPAREL MART/THE GOLDEN GATE APPAREL SHOW
(213) 622-0761
Jackie Goldberg
- l. PHOENIX WOMEN'S APPAREL SHOW
Jackie Goldberg

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By: 

Hyatt M. Fried, Esq.
Florida Bar No.: 817570

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this ^{3rd} ~~28th~~
day of ~~December~~ ^{January} 2002, via first class U.S. Mail, postage pre-paid, to: Dominic L. Brandy, LAW
OFFICES OF DOMINIC L. BRANDY, 1900 South Dadeland Boulevard, Dadeland, Suite 1000,
Miami, Florida 33156.

By: 

Hyatt M. Fried, Esq.
Florida Bar No. 817570

GOLDBERG AFF.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-7495-CIV-DIMITROULEAS

MARCEL FASHION GROUP, INC.,
a Florida corporation,

Plaintiff,

v.

LUCKY BRAND DUNGAREES, INC.
A Delaware corporation, and
FEDERATED DEPARTMENT STORES, INC.,
A Delaware corporation,

Defendants.

_____ /

DECLARATION OF JACKIE GOLDBERG

Pursuant to 28 U.S.C. §1746, I, JACKIE GOLDBERG, hereby declare, certify, verify and state under penalty of perjury that the following declaration is true and correct. This Declaration is based upon direct and personal knowledge, and if called as a witness, I could and would testify competently thereto.

1. I have been an independent sales representative for Marcel and have been working with Ezra Mizrachi since 1986. I have represented goods manufactured by Marcel under the trademark "GET LUCKY" since 1986.

2. The "GET LUCKY" mark has been in continuous use by Marcel since I have been involved with them, at least since 1986, and there has been no period in which use of the "GET LUCKY" mark has been interrupted. There has never been a period of non-use. The "GET

LUCKY" mark is known for high quality goods, and the goods sold under the mark are well known in the industry to emanate from Marcel.

3. In the 15 years in which I have represented the "GET LUCKY" brand, I have made substantial sales in each year since 1986. I have sold on average of \$750,000.00 per year worth of goods under the "GET LUCKY" mark, each year since 1986.

4. I have attended several trade shows per year as a representative of the goods made and sold under the "GET LUCKY" trademark since 1986. Specifically, I have represented the "GET LUCKY" brand since 1986 at the Los Angeles Apparel Mart, where I have had a permanent space for almost 40 years, the Golden Gate Apparel Show in San Francisco, and the Phoenix Women's Apparel Show. I have also attended shows as a representative of "GET LUCKY" at the WIN Show and WWD/MAGIC, both in Las Vegas. I have attended several shows per year, since 1986, and have made substantial sales through these various trade shows. There has been no year since 1986 in which I have not represented the "GET LUCKY" brand and made sales through various trade shows. I also supply my customers who operate various stores throughout the West Coast and represent the line and make sales to these various retailers. My accounts include casinos in Las Vegas such as Mirage, Golden Nugget, Park Place, Harrah's, Lady Luck, Monte Carlo, Circus Circus, Excalibur, various hospitals throughout the West Coast, Indian reservations, and theme parks, such as Knotts Berry Farm.

5. Marcel primarily advertises its goods through various trade shows. Marcel advertises by exhibiting at its booth, and by often placing ads in the show catalog directory. Marcel and I have made substantial sales through contacts made at these trade shows.

7. I have encountered potential customers who contact me at these shows, or by telephone, who inquire as to whether Marcel is actually Lucky Brand. *(in business with them)*

8. Since I have been a representative of the "GET LUCKY" line, Marcel's reputation has grown steadily and is now well-known throughout the United States as the origin of the goods under the mark. The "GET LUCKY" mark has become associated in the minds of consumers as a source of one of the most reputable and consistent brands of clothing and apparel in the United States. Marcel has continued to expand and upgrade its product line and Marcel enjoys the benefit of ever-increasing goodwill associated with the "GET LUCKY" mark in the United States.

Under the penalty of perjury, I declare that I have read the foregoing Declaration and the facts stated herein are true and correct to the best of my knowledge and belief.

Dated: January 4, 2002.

Jackie Goldberg
JACKIE GOLDBERG

G:\WPFILES\Gm\Gm\EZRA\Jackie DECLARATION